Government of Madras.

JUDICIAL DEPARTMENT.

CONFIDENTIAL.

Recd.	1911.	*Enclosures*
Regd.		*Spare copies*

G.O., No. 1206, 27th July 1911.

Tinnevelly case.

Authorizing, under section 196, Criminal Procedure Code, the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of an offence punishable under section 121-A, Indian Penal Code, against certain persons concerned in the ---.

BACK PAPERS.

No.	Department.	Date.	G.O.	No.	Departmen

FURTHER PAPERS

Department.	Date.	G.O.	No.	Departmen

பாதுகாப்பு பிரிவு–1

செப்பனிடுபவர் பெயர் S. மாரிமுத்து

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 6/07 7/07

9.8.07 சரிபார்க்கும் முதல் மு.நி.பா.எ. கையொப்பம்

10/8/07 சரிபார்க்கும் 2–ம் மு.நி.பா.எ. கையொப்பம்

21-08-07 ஆராய்ச்சி உதவியாளர் கையொப்பம்

Government of Madras.

JUDICIAL DEPARTMENT.

2

CONFIDENTIAL.

Recd.	1911.	*Enclosures*
Regd.		*Spare copies*

G.O., No. 1206, 27th July 1911.

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Authorizing, under section 196, Criminal Procedure Code, the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of an offence punishable under section 121-A, Indian Penal Code, against certain persons concerned in the —.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers :—

I

G.O., Nos. 1112, 1113, Judicial, dated 8th July 1911.

ABSTRACT.—Passing orders authorizing the Deputy Inspector-Gen... ...or Crimina Intelligence and Railways to make a complaint in respect of an offence under section 121-A of th Indian Penal Code against certain persons concerned in the Tinnevelly conspiracy ; and directin that the provisions of Part I of Act XIV of 1908 shall apply to Preliminary Register Case No. on the file of the Sub-Divisional Magistrate, Tinnevelly, connected with the murder of Mr. R W. D'E. Ashe.

II

G.O., No. 1127-A, Judicial, dated 11th July 1911.

ABSTRACT.—Directing that the provisions of Part I of Act XIV of 1908 shall apply Preliminary Register Case No. II on the file of the Sub-Divisional Magistrate, Tinnevell connected with the murder of Mr. R. W. D'E. Ashe.

III

Telegram—from the Deputy Inspector-General of Police for Criminal Inte and Railways.
To—the Chief Secretary to Government.
Dated—Tinnevelly Bridge, the 11th July 1911.

Copy posted to you of statement by Nilakanta Aiyar recorded by Comm... of Police, Calcutta, admitting existence of a conspiracy and showing that mu directly instigated by V. V. S. Aiyar and other Pondicherry Extremists. N Aiyar arrived here to-day.

IV

Telegram—from the Resident in Travancore and Cochin.
To—the Chief Secretary to Government.
Dated—Trivandrum, the 12th July 1911.

Of accused mentioned my telegram 9th, Hariharier leaves to-day, other ...ea extradited. All correspondence seized handed over British police.

V

Letter—from H. F. W. GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To—the Chief Secretary to Government.
Dated—Tinnevelly, the 13th July 1911.
No.—R.O.C. 1124/Magl.

I have the honour to inform you that I am this day forwarding to you, under a separate registered and insured packet, a copy of the English translations made by the staff employed by me of the correspondence seized in the searches made in connection with Mr. Ashe's murder.

The correspondence seized in Travancore has not come to hand yet.

Copies of the correspondence and papers in the vernacular and of the translations made here have been sent to the Tamil Translator to Government with a request to correct the translations and to send the papers on to the Superintendent, Government Press, for being printed in diglott.

VI

Official Memorandum No. 3754-1, Judicial, dated 16th July 1911.

With reference to his letter, R.O.C. No. 1124/Magl., dated the 13th instant, the District Magistrate, Tinnevelly, is informed that the packet of papers referred to therein has been received.

(By order.)

S. H. SLATER,
Under Secretary to Government.

VII

Letter—from H. F. W. GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To—the Chief Secretary to Government.
Dated—Tinnevelly, the 18th July 1911.
No.—R.O.C. 1124-Magl.

With my letter I forwarded to you copies of papers Nos. 1—204 seized on searches made in connection with Mr. Ashe's murder. The receipt of these copies has been acknowledged in the Government Memorandum dated 16th July 1911.

I have the honour now to forward, in a separate registered packet, copies of papers from Nos. 205—213 inclusive, as also copies of the following diaries:—

Azhagappa Pillai	No. 79
Madasami Pillai	„ 113
Arumugam Pillai	„ 127
Arunachalam Pillai	„ 220

There is more correspondence still to be translated. Copies of the translations will be sent to you in due course and may be added to the file.

VIII

Official Memorandum No. 3834-1, Judicial, dated 21st July 1911.

With reference to his letter, Ref. No. 1124-Magl., dated the 18th instant, the District Magistrate, Tinnevelly, is informed that the packet of papers referred to therein has been received.

(By order.)

S. H. SLATER,
Under Secretary to Government.

To the District Magistrate, Tinnevelly.

IX

Letter—from H. F. W. GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To—the Chief Secretary to Government.
Dated—Tinnevelly, the 21st July 1911.
No.—R.O.C. 1124-Magl.

I have the honour to state that the Hon'ble Mr. T. Richmond, Barrister-at-Law, who has been appointed by Government to be a Public Prosecutor for the prosecution in Preliminary Register Cases Nos 1 and 2 on the file of the Sub-Divisional Magistrate, Tinnevelly, and in the subsequent trials, arrived here on the 15th instant.

2. On the 16th instant, I held a consultation with Mr. Richmond, Mr Sundara Sastri, Public Prosecutor, Tinnevelly, whom I have retained to assist in the cases, and the investigating Police officers. The principal features of the cases were explained to both the lawyers, and they were furnished with all the evidence, oral and documentary, that has been secured up to date. The perusal and the analysis of this evidence occupied them for two days; and on the afternoon of the 18th, a second consultation was held at which certain conclusions were arrived at. These conclusions have, at my request, been embodied by Mr. Richmond in his opinion which is herewith submitted; and in regard to them the orders of Government are now necessary. With Mr. Richmond Mr. Sundara Sastri entirely agrees.

3. *Prosecution under section* 121-A, *Indian Penal Code.*—For the reasons given in the opinion, it seems necessary that Government should authorize the prosecution of Sankarakrishna Aiyar under section 121-A, Indian Penal Code; also there is as strong a case against the accused Dharmaraja Aiyar and Vande Mataram Subramania Aiyar as against any of the Punalur accused. Athorization for their prosecution under the same section may also be accorded.

4. It is open to Government to issue an authorization under section 196 of the Criminal Procedure Code in respect of the three added names. In view, however, of the comments of Mr. Richmond in regard to the terms of the former authorization, G.O., No. 1112, dated 8th July 1911, it seems desirable that a fresh authorization including all the accused should issue now. A draft of the authorization that may issue is submitted for approval.

5. There is, at present, no evidence to go before a Court against T. Somasundaram, Pichumani Aiyar, Sivaramakrishna Aiyar and Shanmugam Pillai. It is, however, neither necessary nor advisable to omit their names from the authorization. If, at the time the authorization is received, no further evidence against them has been obtained, their names will be omitted from the complaint to be presented by the Deputy Inspector-General. I do not anticipate that further evidence will be secured against T. Somasundaram and Sivaramakrishna Aiyar, and these men are now being released on bail. In regard to Pichumani Aiyar, however, it is probable that further evidence will be secured. Shanmugam Pillai is absconding and has not been arrested.

6. *Approver.*—As Messrs. Richmond and Sundara Sastri are agreed that K. V. Arumugam Pillai should be taken as an approver, and as I have been authorized by Government to act upon their advice in this respect, I am tendering him a pardon on the usual conditions. The advice of the lawyers in respect of an approver who will speak the doings at Punalur is receiving attention. When the decision has been arrived at, the orders of Government will be obtained.

7. *Application of Act XIV of* 1908.—It will be seen that the advice received is to obtain from Government a new order under section 2 (1) of the Act after deciding, once of all, the persons to be proceeded against and the file numbers given to the cases by the Magistrate who takes cognizance. Mr. Tampoe has already taken cognizance of the two cases as Preliminary Register Cases Nos 1 and 2 on his file. Mr. Richmond has, however, some doubts as to Mr. Tampoe's jurisdiction as my order directing Mr. Tampoe to inquire into the cases was issued before the two charge sheets were presented to him, and as the charge sheets themselves were not specifically transferred to him.

As it is most advisable that there should be no legal flaws whatever in the procedure, upon which arguments might be based before the Special Tribunal to quash the proceedings, I have now, upon advice, specially transferred the charge sheets to Mr. Tampoe for disposal. He will give them fresh numbers and take fresh cognizance of the murder case at once and of the conspiracy case after the fresh authorization under section 196 of the Criminal Procedure Code for the charge under section 121-A, Indian Penal Code, has been received. The preliminary enquiry into Preliminary Register Cases Nos. 1 and 2 has not yet been commenced, and similar enquiry into the new cases which will be given new file numbers, Preliminary Register Cases Nos. 3 and 4, will not be commenced for some little time as fresh evidence is being obtained daily, and we are not in a position to say when the cases will be completed. I shall give Government ample notice of the commencement of these preliminary proceedings, and Government may then issue the necessary order applying Act XIV of 1908.

8. Messrs. Richmond and Sundara Sastri approve of the sections of the Penal Code under which the accused are proposed to be charged. The charges that may be framed by the committing Magistrate will receive the consideration of the Special Tribunal at the commencement of the trial, and should any mistake have been made by the Magistrate, it will be rectified then.

9. The other points referred to in the opinion—handwriting and corroborative evidence—had previously occurred to the investigating officers and continue to receive most careful attention.

Enclosures.

(1)

Tinnevelly Cases.

I have read the evidence collected so far, both oral and documentary, and I have had the advantage of long discussions with the District Magistrate and the Deputy Inspector-General of Police for Crime and the principal officers engaged in the investigation of the case, and at the request of the District Magistrate I am putting down on paper my opinion on the several points raised during the discussion.

Case against Sankarakrishna Aiyar.—This accused is now charged by the police with the abetment of Mr. Ashe's murder under sections 114 and 302, Indian Penal Code. There is no complaint against him of an offence under section 121-A of the Penal Code, as Government has not authorized his prosecution under section 196 of the Criminal Procedure Code. According to the evidence collected, the accused is one of the principal ringleaders in the conspiracy, and the evidence against him is strong in regard to the conspiracy. The success of the prosecution on the present charge of the offence under sections 114 and 302, Indian Penal Code, will, however, entirely depend upon the evidence of identification. The witnesses who identify him at the Maniyachi station are all people to whom the accused was not previously known. It is difficult to hazard an opinion whether this evidence would prove satisfactory, but the danger is that the accused will escape justice if this part of the case fails, as he cannot be tried under section 121-A along with the remaining conspirators for want of the Government authority and complaint under section 196, Criminal Procedure Code. I would therefore strongly recommend obtaining an order from Government authorizing the accused's prosecution under section 121-A, in addition to his being prosecuted on charges under sections 114 and 302. The murder and the conspiracy cases will, I think, have to be tried separately. It will be easy to withdraw the charge under section 121-A in case he is convicted under sections 302 and 114. But to prosecute him apart by himself under section 121-A, after his acquittal in the murder case, would mean a second trial with the necessary preliminary proceedings and consequent delay.

Case against T. Somasundaram, Pichumani Aiyar, Sivaramakrishna Aiyar and Shanmugam Pillai.—There is no evidence to go before a Court, and I think it is better to drop the case against these four.

The case against Azhagappa Pillai.—The case against this accused stands slightly on a different footing. There is one witness against him, but the evidence is not very much. Mr. Thomas, however, thinks that more evidence may be forthcoming hereafter. The case is weak.

Dharmaraja Aiyar and Vande Mataram Subramania Aiyar.—The case against these men is scarcely distinguishable from the case against the other Punalur accused already complained against. The suicide attempted by Dharmaraja Aiyar immediately after the search of his house by the Travancore police is an additional piece of evidence against him. I would recommend that both these men be proceeded against under section 121-A.

Government order authorizing prosecution under section 196 of the Criminal Procedure Code.—The accused above, however, cannot be proceeded against without a complaint under an express order or authority as required by section 196 of the Criminal Procedure Code. The concluding words of the Government order have been referred to as indicating sufficient authority to include the above men in a fresh complaint. I think the adoption of such a course will give rise to difficulties, and probably to a ruling adverse to the prosecution. I would invite reference to the judgment of the Calcutta High Court in the well-known Manicktolla Bomb Case, reported at page 467 of I.L.R., Cal., Vol. XXXVII (July part 1910). In this case the Government of Bengal sanctioned the prosecution of the accused under certain sections of the Penal Code or "under any other section "of the said Code which may be found applicable to the case." Some accused were sent up for trial on charges under section 121, one of the sections not specially mentioned in the order, and on the preliminary objection that the order of the Bengal Government was not valid authority, the High Court says as follows:—

"Section 196 of the Criminal Procedure Code reserves to the Local Government the power "of determining whether cognizance shall be taken by the Court of any offence punishable under "Chapter VI of the Indian Penal Code except section 127. Seeing that this chapter deals with "offences against the State, the policy of this safeguard is manifest; the maintenance of this "control is of the highest importance; and it is beyond the competence of the Local Government "to delegate to any other body or person this controlling power and the discretion it implies. "The question whether action should be taken under Chapter VI is more than a matter of law; "considerations of policy arise, and these can only be determined by the authorities specially "designated in the section.

"It further appears to me to be the true implication of section 196 that the judgment of "the Local Government should be specifically directed to the particular sections of Chapter VI in "respect of which proceedings are to be taken, and that the order or authority should be preceded "by, and be the result of, a deliberate determination that proceedings should be taken in respect "of a particular section or particular sections of the chapter and no other.

"It would, I think, be opposed to the true intendment of section 196 for the Local "Government by its order to give its legal or other advisers a roving power to determine under "what sections of the chapter proceedings should be taken, and to abandon to them the discretion "and responsibility that properly belong to itself; and I should hesitate to take a view of this "section that might permit the Government to entrust to the zeal of an advocate, or of those by "whom he may be instructed, the determination of the serious questions involved."

There the matter left to another's discretion was the choice of a section and here the discretion delegated is as regards the choice of the persons to be proceeded against. The principle is the same, and it may be argued that the case of delegation in the matter of persons to be accused is far more serious than delegating the choice of sections. There is no Madras case exactly in point, but the principle against the delegation of such authority has been recognized by the Madras High Court in I.L.R., Madras, Vol. 16, page 468, in its construction of section 197 of the Criminal Procedure Code. This was a case where the Board of Revenue delegated to the Collector its power to choose the charges for the prosecution of a Deputy Tahsildar. The Madras High Court held that the Board had no power to delegate its discretion and the principle is in accordance with the Calcutta judgment above referred to. I would suggest obtaining an express order for the prosecution of Sankarakrishna Aiyar, Dharmaraja Aiyar and V. M. Subramania Aiyar, and wherever possible the father's name and village of the accused should be given.

The present complaint.—There is a technical difficulty in the proceedings as initiated. The Government order directed the Deputy Inspector-General of Police to lodge the complaint, but the complaint is actually lodged by a Deputy Superintendent of Police under the Deputy Inspector-General's orders. I think this is open to objection. The Deputy Superintendent of Police has no authority from Government to lodge the complaint, and I think the complaint must be made and sworn to by the officer mentioned in the order. If the sections are strictly construed and if the objection should prevail, the whole prosecution for conspiracy would fail, and I think it is very desirable that no room should be given for preliminary objections. The case, however, may be easily remedied by putting in another complaint. The complaint should answer to the definition of the term complaint in section 4 (*h*) of the Criminal Procedure Code, and it is desirable not to use Police Report Forms as that may lead to unnecessary objections and discussions. Mr. Thomas may be right in directing the Deputy Superintendent of Police to complain, but in view of the consequence of an adverse ruling to the prosecution, it is desirable to adhere strictly to the Government order.

Approver.—I think it is necessary to take another approver. Approver Somasundaram was present only at the Tuticorin meeting and initiation there of members to the secret society. He was not present at the first meeting at Tenkasi and it will be difficult to get the accused Chidambaram Pillai and Vande Mataram Subramania Aiyar convicted without the evidence of an approver who can speak to the Tenkasi meeting, which is a very important part of the prosecution case. I think K. V. Arumugam Pillai, who has already made a detailed statement, should be taken as an approver. The approver Somasundaram is a low-paid vakil's clerk and I am not quite sure he will not be prevailed upon to resile from his statement when he is examined before the Special

Tribunal. It may be desirable, if possible, to take one more approver (not Jagannatha Aiyangar) who would make a clean breast of the whole doings at Punalur. The evidence against Nilakantan, Sankarakrishna Aiyar and the Tenkasi and Tuticorin accused is evidently much stronger than the evidence against the Punalur accused. The Punalur part of the case requires strengthening.

Handwriting.—Evidence should be produced in regard to the handwriting of all the accused and the handwriting of all the documents relied on should be satisfactorily proved.

Corroborative evidence.—The evidence of the approvers should be corroborated wherever possible.

Application of Act XIV of 1908.—After a fresh complaint is lodged and the case is taken cognizance of validly by the Magistrate, an order should be obtained from Government under section 2 (1) of Act XIV of 1908 applying Part I of the Act to the present case. The Act has to be applied after the Magistrate legally takes cognizance of the complaint, and if I am right, there has been no cognizance of the conspiracy case by the Magistrate according to law. In the case of the accused to be newly added the order already passed can have no force as it cannot be said to have been passed after the Magistrate took cognizance of the case against them. I think the best course is to obtain from Government a new order under section 2 (1) of Act XIV of 1908 after deciding once for all the persons to be proceeded against.

20*th July* 1911. T. RICHMOND.

(2)

I have read the opinion of the Hon'ble Mr. Richmond. I entirely agree. When I was consulted about Arumugam Pillai being examined in the case against Sankarakrishna Aiyar under sections 114 and 302 without a pardon being granted to Arumugam, his evidence or the other evidence in the case was not before me. I now see that Arumugam proves the conspiracy at Tenkasi and Tuticorin as against Sankarakrishna Aiyar and others, so Arumugam has to be tendered a pardon, the charge under section 121-A also added against Sankarakrishna Aiyar, and Arumugam examined.

20*th July* 1911. A. SUNDARA SASTRI.

(3)

Draft authorization under section 196 *of the Criminal Procedure Code.*

Under the provisions of section 196 of the Code of Criminal Procedure, 1898, the Governor in Council authorises the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of the offence punishable under section 121-A of the Indian Penal Code against—

No.	Name.	Father's name.	Residence.
1.	Nilakanta Aiyar *alias* Bramachari.	Sivaramakrishna Aiyar	Erukkur, Shiyali taluk, Tanjore district.
2.	Madasami Pillai	Subramania Pillai	Ottapidaram.
3.	Shunmugam Pillai	Subramania Pillai	Tuticorin.
4.	T. S. Somasundaram Pillai ...	Swaminatha Pillai	Tinnevelly.
5.	Pichumani Aiyar *alias* Venkatachalam Aiyar.	Krishna Aiyar	Shencottah.
6.	Vembu Aiyar *alias* Mahadeva Aiyar.	Krishna Aiyar	Do.
7.	Jagannatha Aiyangar ...	Ranga Aiyangar	Do.
8.	Harihara Aiyar	Marakadai Subba Aiyar ...	Alleppy.
9.	Bapu Pillai *alias* Ramaswami Pillai.	Mathiyetham Pillai	Punalur.
10.	V. Desika Chari	Varada Aiyangar	Do.
11.	Chavadi Arunachalam Pillai ...	Chavadi Subramania Pillai ...	Shencottah.
12.	Azhagappa Pillai	Veiyenra Muthu Pillai	Do.
13.	Muthukumaraswami Pillai ...	Nallaperumal Pillai	Tuticorin.
14.	Subbiah Pillai	Vaithilingam Pillai	Do.
15.	K. V. Arumugam Pillai ...	Venkatachalam Pillai	Do.
16.	Madathukadai Chidambaram Pillai.	Sankaralingam Pillai	Tenkasi.
17.	Sankarakrishna Aiyar ...	Samu Sastri *alias* Sankaranarayana Aiyar.	Kadayanallur, Krishnapuram.
18.	Dharmaraja Aiyar	Viswanatha Aiyar	Shencottah.
19.	Vande Mataram Subramania Aiyar.	......	Ettaiyapuram.

H. F. W. GILLMAN,
District Magistrate, Tinnevelly.

Order—No. 1206, Judicial, dated 27th July 1911.

Under the provisions of section 196 of the Code of Criminal Procedure, 1898, the Governor in Council authorizes the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of the offence punishable under section 121-A of the Indian Penal Code against—

No.	Name.	Father's name.	Residence.
1.	Nilakanta Aiyar *alias* Bramachari.	Sivaramakrishna Aiyar ...	Erukkur, Shiyali taluk, Tanjore district.
2.	Madasami Pillai	Subramania Pillai	Ottapidaram.
3.	Shunmugam Pillai	Subramania Pillai	Tuticorin.
4.	T. S. Somasundaram Pillai ...	Swaminatha Pillai	Tinnevelly.
5.	Pichumani Aiyar *alias* Venkatachalam Aiyar.	Krishna Aiyar	Shencottah.
6.	Vembu Aiyar *alias* Mahadeva Aiyar.	Krishna Aiyar	Do.
7.	Jagannatha Aiyangar ...	Ranga Aiyangar	Do.
8.	Harihara Aiyar	Marakadai Subba Aiyar ...	Alleppy.
9.	Bapu Pillai *alias* Ramaswami Pillai.	Mathiyetham Pillai	Punalur.
10.	V. Desika Chari	Varada Aiyangar	Do.
11.	Chavadi Arunachalam Pillai ...	Chavadi Subramania Pillai ...	Shencottah.
12.	Azhagappa Pillai	Veiyenra Muthu Pillai	Do.
13.	Muthukumaraswami Pillai ...	Nallaperumal Pillai	Tuticorin.
14.	Subbiah Pillai	Vaithilingam Pillai	Do.
15.	K. V. Arumugam Pillai ...	Venkatachalam Pillai	Do.
16.	Madathukadai Chidambaram Pillai.	Sankaralingam Pillai	Tenkasi.
17.	Sankarakrishna Aiyar ...	Samu Sastri *alias* Sankaranarayana Aiyar.	Kadayanallur, Krishnapuram.
18.	Dharmaraja Aiyar	Viswanatha Aiyar	Shencottah.
19.	Vande Mataram Subramania Aiyar.	......	Ettaiyapuram.

and all other persons who may have joined them in the said conspiracy.

(True Extract.)

H. A. STUART,
Ag. Chief Secretary.

To the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
" District Magistrate, Tinnevelly.

CONFIDENTIAL

6

JUDICIAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 1206, JUDICIAL, DATED 27TH JULY 1911.

[SUBJECT.—*Tinnevelly murder case.*]

Previous papers:
G.O., 1112-13, *Judicial*, *8th July* 1911.
„ 1127-*A* „ *11th* „ „

Demi-official—from F. CARDOZO, Esq., Superintendent, Government Railway Police.
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—Tinnevelly Bridge, the 10th July 1911.

"I send by registered packet post two prints which give the letter found on "Vanchi's body. The prints are not good, but the letter can be read fairly easily.

"The case is going on slowly. Very little to report now. The correspondence "is being translated and no more information is coming in."

. . . . Vanchi writes a fairly good Tamil and a tolerable English hand. The Tamil appears to be grammatically correct. He is evidently a newspaper reader. "Sivaji, Gurugovindan, Madirasikal, Angila, etc., Sanathanadharma" are words which indicate a newspaper origin. He signs his name in Tamil and English and writes Shencottah underneath his name. "George" is written in Tamil and in English. He refers to himself as the humblest of a band of 3,000 Madrasis who have sworn to kill the King as soon as he sets foot in India. He says "I have done this deed" referring evidently to Mr. Ashe's murder. There is a spirit of bravado. From the first he had evidently intended to kill himself. The letter he put in his pocket to publish his identity and his achievement. He wrote it apparently in Tinnevelly. Did Sankarakrishna know it?

V. K[RISHNASWAMI AIYAR]—13-7-11.

This may be communicated in the form of a "note" on the letter to the Deputy Inspector-General of Police for Criminal Intelligence and Railways, and he may be asked whether it has been or can be ascertained whether Sankara knew anything about the letter. The paper should be examined and inquiries should be made with the object of finding out where the letter was written, and when. The Honourable Member in this department must see the draft.

HAROLD STUART—14-7-11.

Chief Secretary—

Draft submitted.

S. H. SLATER—14-7-11.

Honourable Member—

HAROLD STUART—14-7-11.

Approved.

M. H[AMMICK]—15-7-11.

Official Memorandum No. C. 169-9, Judicial, dated 17th July 1911.

The accompanying note, written after an examination of a photographic print of the letter found on the body of Vanchi Aiyar, the assassin of the late Mr. Ashe, is forwarded to the Deputy Inspector-General of Police for Criminal Intelligence and Railways, who is requested to state whether it has been or can be ascertained whether

Sankarakrishna Aiyar knew anything about the letter. The paper on which the letter was written should be examined, and inquiries should be made with the object of finding out when and where it was written.

ENCLOSURE.

Hon'ble Mr. Krishnaswami Aiyar's note, dated 13th July 1911.

. . . . Vanchi writes a fairly good Tamil and a tolerable English hand. The Tamil appears to be grammatically correct. He is evidently a newspaper reader "Sivaji, Gurugovindan, Madirasikal, Angila, etc., Sanathanadharma" are words which indicate a newspaper origin. He signs his name in Tamil and English and writes Shencottah underneath his name. "George" is written in Tamil and in English. He refers to himself as the humblest of a band of 3,000 Madrasis who have sworn to kill the King as soon as he sets foot in India. He says "I have done this deed" referring evidently to Mr. Ashe's murder. There is a spirit of bravado. From the first he had evidently intended to kill himself. The letter he put in his pocket to publish his identity and his achievement. He wrote it apparently in Tinnevelly. Did Sankarakrishna know it?

Telegram from the Deputy Inspector-General of Police for Criminal Intelligence and Railways, dated 11th July 1911.

Telegram from the Resident in Travancore and Cochin, dated the 12th July 1911.

Honourable Member & Circ.—

This is an important piece of information, but it must be remembered that it has been reported that Nilakanta Aiyar was distrusted by the Pondicherry extremists and was turned out by them. When he found himself arrested, therefore, he may have tried to shield himself and at the same time wreak his revenge on the Pondicherry gang by laying the blame on them. On the other hand, the quarrel with Nilakanta Aiyar and his expulsion from Pondicherry may have been merely a blind, and we know that V. V. S. Aiyar is bitterly hostile to British rule. Nilakanta Aiyar's statement is worthless unless it is corroborated, and on no account should he be taken as an approver. There is plenty of evidence that he actually organized the Tinnevelly-Travancore conspirators and he must be convicted. Even if we get corroborative evidence against V. V. S. Aiyar & Co., it is doubtful whether we should obtain their extradition. No action need be taken until the copy of the statement is received.

HAROLD STUART—11-7-11.

Nilakanta Aiyar is probably playing up to be made an approver. But I don't think in any case we can approve of that. I should much doubt whether V. V. S. Aiyar actually instigated this murder. No doubt in his communications he generally advocated murder.

M. H[AMMICK]—12-7-11.

The press telegrams seem to show that Nilakanta Aiyar volunteered information to the Calcutta Police after the Tinnevelly Police had begun to track him. His statements must be received with suspicion. I am not for his being made an approver.

Yes.

J. N. A[TKINSON].

V. K[RISHNASWAMI AIYAR]—12-7-11.

I think I saw a telegram in the *Pioneer* to-day or yesterday to the effect [illegible]tioned by Mr. Krishnaswami Aiyar.

J. N. A[TKINSON]—12-7-11.

I agree that we cannot at this stage at all events entertain any idea of making Nilakanta Aiyar an approver.

A. L[AWLEY]—12-7-11.

Demi-official—from P. B. THOMAS, Esq., Deputy Inspector-General of Police for Criminal Intelligence and Railways.

To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.

Dated—Tinnevelly, the 10th July 1911.

"Gillman gave me a message from you to-day to the effect that I was not "reporting enough,

"I have reported everything that has been achieved in both cases, but there has "been nothing definite obtained for several days, and unless I report the most trivial "details—such as pieces of information followed up which have been found to come to "nothing—I could report no more.

"Information comes in very slowly and evidence more slowly still. I have men "out all over the place and the smallest piece of information is followed up at once, "but things move very slowly and the conspiracy case is a very difficult one indeed. "I am sending you everything that is established as a definite fact, and I think that "you must be under the impression that much more information is being obtained than "is the case.

"I doubt if we shall get anything more from Travancore. I hope for more from "Tuticorin, and I expect that Madaswami will be arrested within the next few "days. I have not heard whether any papers were found with Nilakanta Aiyar in "Calcutta. Two more men have been traced who travelled in Ashe's train from "Tinnevelly to Maniyachi, but I have not got them here yet."

Demi-official—from H. F. W. GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—Tinnevelly, the 10th July 1911.

"With reference to your demi-official No. C./10, Judicial, dated 7th instant, the "following are the reasons why Somasundaram Pillai has been released on bail:—

"(1) If he had been remanded now after having given a statement and having "been made an approver, he would have regarded the act as a breach of faith, and "there would have been no lack of persons to tell him that he had been deceived and "to advise him to retract. It is extremely likely that he would have retracted.

"(2) He is at present being well looked after here by trustworthy police and is "practically in their custody. He is much safer with them and is less likely to be got "at than if he were in one of the local sub-jails in custody of the ordinary guard, or "in the district jail where, as experience in the past has shown, access to him would "be easy.

"The decision to allow Somasundaram Pillai on bail was taken after very careful "consideration of the arguments for and against the step.

"I have instructed Thomas that he should send you daily reports."

Under Secretary—

This and the preceding demi-official are submitted for perusal.

T.V.T.—14-7-11.

Chief Secretary—

S.H.S.—14-7-11.

Honourable Member & Circ.—

In fact, I think release is illegal. See paragraph 3 below.

HAROLD STUART.

I cannot see why Somasundaram Pillai would have regarded a remand to custody as a breach of faith. There is no obligation either of law or of practice to release on bail a man to whom a pardon has been tendered, and very little trouble would have been required to make Somasundaram Pillai feel confident that, so long as he made a full and true disclosure, he would be pardoned. The pardon in fact cannot be withdrawn unless the recipient of it fails to comply with the condition on which it was tendered (see section 337, Code of Criminal Procedure). I cannot believe that there was any risk of Somasundaram Pillai retracting his statement in such circumstances.

2. Mr. Gillman says that this man is practically in the custody of the police. That is exactly what I feared, and I have little doubt that this circumstance will be brought out in his cross-examination and will be made the subject of adverse comment

on his evidence. As to access to him in the jail being easy, that is a matter for administrative arrangement. If he had been confined in the sub-jail, the guarding of him by the police might have been made quite as efficient and much less open to criticism as the guarding of him in his own or some one else's house, which Mr. Gillman admits is now being done. If he were confined in the district jail and the warders were not trusted, sepoys or soldiers could have been obtained for this service. That was done at the Alipore jail after the murder of the approver Norendra Gossain.

3. There is one very important point which Mr. Gillman has not noticed. Under section 337 of the Code of Criminal Procedure, it is directed that a person to whom a pardon has been tendered "if not on bail, shall be detained in custody until the "termination of the trial by the Court of Session or High Court, as the case may be." I read the words "if not on bail" to refer to the time at which the pardon is tendered. If that is the correct interpretation, then the release of Somasundaram Pillai on bail was illegal. This point should be referred at once, I submit, to the Advocate-General, and Mr. Gillman may be told that this has been done.

4. With reference to Mr. Thomas's reply to my complaint that the Government have not been kept sufficiently informed of the progress of the inquiry, I would point to such facts as the omission to inform us that Paupa Rao had been sent to Pondicherry and that he had ascertained that neither Madaswami nor Nilakantan were there; to the delay in giving us information about the two Tinnevelly youths having gone to Bombay and the action taken in respect of them (I think this was reported in the newspapers of the 5th and 6th July; the only official report we have is the very meagre account given in Mr. Cardozo's report, dated the 7th July, which reached me on the 9th *idem*); to the omission of the rather important detail of the place at which Madathukadai Chidambaram Pillai was arrested; to the omission to give us any further information regarding the correspondence seized since Mr. Cardozo's personal report at Ootacamund. I could multiply these instances, but I have contented myself with giving the most recent. Mr. Thomas's treatment of the distribution of the seditious leaflets in Madura was not of such a character as to inspire unbounded confidence in his judgment or his activity, and it is therefore desirable that the Government should know not only what definite information he receives (and they should know this promptly), but also what steps he is taking to obtain information.

HAROLD STUART—14-7-11.

Certainly take the Advocate-General's opinion on the matter of bail. 337 (certainly reads as if a person who is under arrest when pardon is tendered should be subsequently released upon bail. Personally I should say the man had much better have been detained in jail. We should take the Advocate-General's opinion on the matter.

2. Mr. Thomas will probably be careful in future. The tendency of every detective officer is to keep as much as possible to himself, and it is no doubt troublesome to have to report details. I would not instruct him further. What I think has been disappointing about Mr. Thomas is that at first he seemed inclined to be satisfied with the very insufficient enquiry which was made, and had he not been stirred up I don't think he would have followed up the clues he had. He seemed inclined to put the members of this conspiracy up for good behaviour and be satisfied! He does not seem to have the spirit of the real detective about him. He never seems to be really k in taking up every little bit of scent that he finds and following it up.

M. H[AMMICK]—15-7-

I don't think the Chief Secretary's interpretation of section 337, clause 3, i "If not on bail" does not mean "if not *already* on bail". I think the District trate's action is legal. I agree to the reference to the Advocate-General.

2. I agree that in any view it is advisable to keep Arumugam in custody.

V. K[RISHNASWAMI AIYAR]—17-7-11.

Somasundaram Pillai is at present on bail. If the Advocate-General says th enlargement on bail is illegal, Somasundaram will have to be arrested. If the Ad cate-General does not say so, I would trust to Mr. Gillman's discretion whether leave him on bail or not.

2. I have no doubt that it was right to arrest Arumugam.

3. I had not previously seen Mr. Gillman's and Mr. Thomas's reports as to the apparent disinclination of the Travancore authorities to help us. This is a serious matter. If specific facts can be proved (*e.g.*, the alleged disappearance of Harihara Aiyar's correspondence), I think a strong representation should be made to the Darbar. I have little doubt that there is a great deal of disloyalty, and probably sedition, in Travancore. But it will only be encouraged, if we affect to be ignorant of its existence, or handle it with kid gloves.

J. N. A[TKINSON]—18-7-11.

The Advocate-General should be consulted as to the legality of Somasundaram Pillai's release on bail. If it is not illegal, then I agree that we may trust to Gillman's discretion in the matter.

2. I am afraid that specific evidence of apathy and indifference on the part of the Travancore authorities will be difficult to produce, but if we have convincing evidence by all means let us make representations to the Darbar. It must, however, be very clear and convincing, for any such representation will have a most disquieting effect on His Highness's mind.

A. L[AWLEY]—18-7-11.

Issue official memorandum to the Advocate-General at once.

S.H.S.—19-7-11.

Chief Secretary—

Should a demi-official go now to Mr. Gillman informing him that the Advocate-General has been consulted on the question of releasing the approver on bail, or should we wait until the Advocate-General's reply is received?

S.H.S.—19-7-11.

We had better wait.

HAROLD STUART—19-7-11.

[Letter from the District Magistrate, Tinnevelly, R.O.C. No. 1124/Magl., dated 13th July 1911.]

[Official Memorandum to the District Magistrate, Tinnevelly, No. 3754-1, dated 16th July 1911.]

[Official Memorandum No. 3627-1, Judicial, dated 19th July 1911, to the Honourable the Advocate-General issued and dealt with separately.]

Demi-official—from H. F. W. GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—the 13th July 1911.

"I enclose copy of a confessional statement volunteered by Nilakanta Aiyar to Tampoe yesterday."

ENCLOSURE.

IN THE COURT OF THE SUB-DIVISIONAL FIRST-CLASS MAGISTRATE, TINNEVELLY.

The confession of Nilakantan, son of Sivaramakrishna Aiyar, aged about 21 years, taken before me, Sub-Divisional Magistrate of the first class at Tinnevelly, on the 12th day July 1911.

Question.—I understand that you are desirous of making a statement before me. Do you wish to do so?

Answer.—Yes, I do. What I wish to say is as follows.

My native village is Erukkur, Shiyali taluk, Tanjore district. I discontinued my studies in 1903 and remained for two years at home. In December 1905 I learnt commercial subjects, some of which I qualified in by Government examination in April 1906. Then I went to Madras and became employed as an Accountant in the Triplicane Urban Co-operative Society (Ld.), which I resigned in December 1907. In January 1908, I, became an apprentice under Subramania Bharati, who was conducting the *India* (Tamil Weekly) at Madras. I remained there for two months and in February, towards the end, I went to Tuticorin, and remained in Chidambaram

We may verify this easily.

V. K[RISHNASWAMI AIYAR].

Pillai's house for a week. That was during the mill strike at Tuticorin. During this time I hea the speeches of Chidambaram Pillai and Subramania Siva, but did not deliver any speech myself. Early in March I delivered speeches in Pattamadai, Tenkasi and Kalladakurichi abo Swadeshism. By the middle of March I went to Madras and remained there for two weeks. B the first week of April I went to the house of one Venkatarian in Chinna Conjeeveram to deliver some Swadeshi speeches. I delivered four such lectures there and returned to Madras. I again joined the staff of the *India* as an apprentice and worked there until August, when the press was removed to Pondicherry. I also went there and stayed there for two or three weeks. Then I returned to Erukkur and was there until May 1909, when I again went to Madras. While at Erukkur I used to go to Tenkasi occasionally and stay with Madathukadai Chidambaram Pillai, whose acquaintance I had made during my previous visit there.

> Three years ago.
> M. H[AMMICK]

> Two years ago.
> M. H[AMMICK].

In July 1909, I accepted an appointment as Sub-Editor of the *Hindu Nesan* at Madras. I' was a moderate paper and is owned by a retired Deputy Collector. At this time I was writing a Tamil history of Japan. I asked Madathukadai Chidambaram Pillai whether he would give me money to publish the book, and he promised to do so. Then in August, I left my appointment in the *Hindu Nesan* and went to Tenkasi, where I stayed with Chidambaram Pillai for a few days and returned to Erukkur. He sent me Rs. 50 there. I wished to go to Madras, and on my way alighted at Pondicherry with a view to see Subramania Bharati, who had at that time begun a new Tamil Daily *The Vijaya*. He had none to assist him in his editorial work, and he insisted on my staying at Pondicherry and assisting him. This was in the beginning of October 1909. I remained there for only one month, and left it owing to a misunderstanding with Srinivasa Chari who was financing the paper. In the first week of November I was offered the Editorship of the *Suryodaya* and took it. I conducted the paper for six months when the paper was proscribed in the last week of March 1910. While at Pondicherry I published a life of Arabindo Ghose in Tamil, which was also proscribed. The next month I returned to Erukkur, and left it in May for Tenkasi, where I stayed with Chidambaram Pillai for a week. Chidambaram and I used to correspond, and I had written to him to say that I was coming. Here I met Sankarakrishna, whom I had known since July 1908 at Madras. He was subsequently with me at Pondicherry, and had left some 15 days before I did. Then I went to Kumbakonam to visit my old teacher, K. Vaidyanatha Aiyar, who is doing machinery business. This was in the end of June. After visiting Melur and some villages near by, where my relatives lived, I went to Erukkur.

> Brother of the Editor of the *Hindu*.
> M. H[AMMICK].

> Of Triplicane?
> V. K[RISHNASWAMI AIYAR].

> May 1910.
> M. H[AMMICK].

> This man should be looked up.
> M. H[AMMICK].

In the beginning of July I started again and came to Ernakulam by way of Mettupalaiya.., Coimbatore and Malabar. Then I went to Quilon by way of Alleppy, where I met Harihara Aiyar. Sankarakrishna was with me from Mettupalaiyam, and he introduced me to Hariharan.

After an hour or two at Quilon, Sankaran and I went to Punalur, where his father-in-law lived. This is why I came to Punalur. Sankaran introduced Vanchi and Ramaswami Pillai *alias* Bapu Pillai to me. I lived in the house of an Aiyar there. After three days we both went to Shencottah, where I stayed in the upstairs of a Pillai's house for a week. Dharmaraja Aiyar used to visit me here.

About the middle of July I left Shencottah and went to Tuticorin. I know K. V. Arumu Pillai by correspondence, when he was the Agent of the *Suryodaya* there. Sankarakris went there two days before I did, and met me there. I remained in Tuticorin for a week o days. I met K. V. Arumugam Pillai, Soma Pillai, a Parava tile merchant 25 years old, S Pillai and Santhanam Pillai. The last three came to me once. Then I went to Courtallu way of Tenkasi with Sankarakrishnan, engaged a room in Varadappa Nayudu's bunga Sankarakrishnan went to his village—Kris puram. I remained alone. At this time I met Veerabhadra Sarma, the Editor of the *Swadh* of Trivandrum. He gave me some new views regarding politics and society, and told me the best way of doing things was by love and co-operation. I was convinced by his talk. was an older man and I felt respect for him. By this time Sankaran returned from his vil and after remaining at Courtallum for a day, went to his father-in-law's house at Punalur.

> Rama Rao corroborates it.
> V. K[RISHNASWAMI AIYAR].

About the middle of August Madaswami Pillai of Ottapidaram, whom I had once m Tinnevelly during the Chidambaram Pillai's case in 1908 and in Tuticorin-Melur during my visit to Tuticorin, came to the lodgings in which I was at Courtallum. He remained with m four or five days, when we started together with Veerabhadra Sarma, who was on his way to vandrum. Dharmaraja Aiyar used to visit me in Courtallum.

9

Madaswami Pillai and I stopped at Punalur and Veerabhadra Sarma went on to Quilon. For first day we remained in the new house which was being built by Bapu Pillai. The next we removed our lodgings to the house of a Malayali, a little far from this house. By this Hariharan and Dharmarajan came from Shencottah. Vanchi was at Punalur. An Aiyan- cook of Shencottah was also there. One evening we all went boating in the river.

Madaswami then went away to Ottapidaram and I took lodgings next to Sankarakrishnan's -er-in-law's house. One evening we all met together for a gramaphone party, and that was only occasion on which we all met together. Otherwise, Vanchi and Sankarakrishnan alone d to come and see me. One evening Sankarakrishnan's father-in-law invited me to his house, asked about the doings of his son and about our aims and ideas. He was much satisfied with explanations, and did not object to his son being with me.

While at Courtallum I was preparing a series of essays on caste, women, children, love, etc., which I intended to publish in book form. I read out my manuscripts to these men I was living in the Malayali's house and they liked them. Hariharan offered to pay the for printing and publishing them which was estimated at more than Rs. 150. Hariharan, -raja Aiyar and the Aiyangar returned to Shencottah. Two or three days later, I also -ar with Sankarakrishnan and Vanchi. Vanchi remained at Shencottah, Sankaran went to Krishnapuram and I remained at Courtallum that day. The next evening Vanchi, Dharmaraja Aiyar, Hariharan and the Aiyangar came to Courtallum to send me off home. We all started from Courtallum at about 5 P.M. in a jutka to Tenkasi and stopped on our way at a tank by the road side. We all sat down on the steps of the tank and then I advised Vanchi that he should remain with his father and do his office duties properly and remain in the employment where he was and acquire knowledge. I advised him this as he wanted to leave his family and go away to Pondicherry. I advised Hariharan also in the same way. Dharmaraja Aiyar also advised them. Then we came to Tenkasi and I remained in Chidambaram's house while the others returned to Shencottah. I saw him that night. The next morning I took train to Erukkur.

> The driver corroborates.
> V. K[RISHNASWAMI AIYAR].

> This was in September or August.
> M. H[AMMICK].

A week or ten days after this, Hariharan began to send me money through Dharmaraja Aiyar. They were in instalments of Rs. 25 by money order. This was by the end of August. I had to spend this money for the marriage of my sister. I spent about Rs. 75 of the money sent. I again wrote to Hariharan for money and he sent Rs. 100 by money order. Even of this amount I had to give away a portion to my father for family expenses. I remained at Erukkur until November, when I started with about Rs. 60 to Madras, and alighted at Pondicherry on my way to see Subramania Bharati. I was put up with him. He advised me to reserve only big subjects as caste, women, children for publication in book-form, and said that the minor essays may be published in newspapers. I accordingly gave all small essays for publishing in the *Dharma* and *Karmayogi*. I sent my manuscripts and money to the Guardian Press in Madras.

> We may verify this.
> V. K[RISHNASWAMI AIYAR].

I left Pondicherry in the second week of December for Madras, and lived in No. 60, Triplicane High Road. As my manuscripts were not yet being printed and as I wanted to add to them I took them from the printers. Then I gave them to the Viveka Bodini Office at Mylapore for publication, which they accepted, and also promised to bring it out by Sankaranthi. I had promised Hariharan, Madaswami, etc., to bring the book out by that time. This was about the end of December. I went to Erukkur for Sankaranthi and returned to Madras after a week. On my return as I was short of money I wrote to Madaswami for Rs. 25. He had promised to send me Rs. 50 when I met him at Punalur. He had sent me Rs. 25 of this when I was in Pondicherry in the beginning of December. He did not send me the money I wrote for and replied that he was not able to do so. I was in difficulties then.

> Also this.
> V. K[RISHNASWAMI AIYAR].

A

While at Pondicherry the last time I told Subramania Bharati that I am disgusted with life and wanted to go to Northern India and calmly spend some years in study. This -ght has been in me for a long time. I was in utter confusion as to what to do, and I was things in the spirit of the moment. Bharati said he was in the same condition as I am, said that both of us may spend some years in Hardwar, and told me to stop a month longer. He wrote then a letter to the Commissioner of Police, Madras, asking him whether there is any warrant pending against him in Madras. He got a reply that there was no warrant and so he thought he could accompany me.

> We may verify this.
> V. K[RISHNASWAMI AIYAR].

When I was at Madras, I determined not to publish my essays, as I believed that I was not yet fit to be an author. I became anxious to study. Then I wrote to Bharati saying that I would be shortly going to Northern India. I also wrote to Sankarakrishnan about my going to Northern India. He was employed under my old teacher at Kumbakonam since November 1910 at my recommendation.

> K. Vaidyanatha Aiyar.
> HAROLD STUART.

I went with all my things to Pondicherry by the middle of February and stayed *Dharma* office. There I met Vanchi, and he told me that he had come there two day That was the first time he had come there. He asked me whether the books had been pu or not. I told him that they had not been published, and that I was going to Northern That morning at about 10 o'clock I went to V. V. S. Aiyar's house. He came to Ponc in December 1910, and had wanted to see me many times. This is the first time I saw hi

He asked what my views were. I told him that I have not yet decided and that I so only after studying for some years. He laughed at this and said that all people need n . . . it will do if one man thinks and all others act up to his commands. He also said have been quiet since a long time and that we want violence, since it would give courage young men, that we must create chaos in the country and make the administration im and that then we can do as we please. I told him that I was still a student and not enough to hold any opinions.

This was in March or April.

M. H[AMMICK].

In the evening at about 8, Vanch swami, Balu and Kannu were assembled in the *Dharma* office when I entered. told me he was going to Shencottah morning, and asked me to give him copies of my book. I told him that I had already told him the book was not going to be published, and he asked me on behalf of Hariharan to pay him the money immediately. I told him I cannot now, as I had no money. Then he accused me of cheating Hariharan and said that he would no longer trust me, as I had been found out to be a spy-nationalist. He also told me that he would renounce me and follow V. V. S. Aiyar, as he is the only true patriot, and that he was a courageous man. He also accused me of cheating the *Dharma* office, as I had not paid them the money which Vanchi said I had promised to pay. I replied that I will not publish the book now, nor pay him the money then, but that I would directly answer Hariharan. Vanchi threatened to shoot me. Nagaswami told me to remove my things, and threw them out into the road. I walked to Villupuram that very night, and returned the next day to Pondicherry, where I collected some money which was due to me, and after taking leave of Bharati went to Madras.

Then I went to Benares, stopping on my way at Bezwada, Rajahmundry, Cocanada, Vizagapatam and Karagpore. I remained in Benares for a month and a half, and wanted to join in the Bharat Dharma Mahamandala, and asked Dr. Sunder to introduce me to the members there. At that time I saw an account of the Maniyachi murder in the newspapers. I immediately came to Calcutta, as I thought the police might want me. I wrote to the Commissioner of Police at Calcutta asking him whether I was wanted. On his saying that I was I surrendered. I gave him a long statement similar to this.

Why?

HAROLD STUART.

I have had nothing to do with Vanchi since February last. I had not written to any one, either in Tinnevelly since February last.

On page 2 (page 6 *supra*) Santhanam Pillai should be Chandram Pillai. On this page it should be "in Tinnevelly or Pondicherry."

I have read the above, and it is correct except for the above two corrections.

NILAKANTAN.

12*th July* 1911.

A. Mc. G. C. TAMPOE.

12*th July* 1911.

I believe that this confession was voluntarily made. It was taken down by me, and read over by the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

A. Mc. G. C. TAMI
Magi

12*th July* 1911.

Honourable Member & Circ.—

Submitted for perusal in continuation of the statement given by Nilakan the Deputy Commissioner of Police, Calcutta.

2. I don't think this contains anything new, but it is as full as the pr statement, which could not be used as evidence while this can be.

3. Neither Mr. Gillman nor Mr. Thomas has told us whether any attempt ha made to recover the manuscript of the essays which Nilakantan mentions whether any papers were found on him; nor whether inquiries have been m Kumbakónam about Sankarak Aiyar who, according to Nilakantan employed there under K. Vaidya Aiyar from November 1910. Kumbakónam might prove a fertile field for the se the kind of sedition which Sankara would be likely to sow.

Yes. These enquiries should be made.

M. H[AMMICK].

4. I will get out the papers about the proscription of the *Suryodaya* and the life of Arabinda Ghose. Nilakantan is probably punishable under section 124-A as well as for the offences with which he is now charged.

5. I am having a note prepared about the antecedents of V. V. S. Aiyar.

HAROLD STUART—14-7-11.

I should like to see the history of V. V. S. Aiyar. The police should certainly follow up the many bits of information in the statement. The *Hindu Nesan* is or was run by Soundraraja Aiyangar, retired Deputy Collector, brother of the Editor of the *Hindu*. He asked me once to get the paper Government support. It is a moderate enough paper.

I did not believe in the reality of the moderation. I used to think that it was a tactical move to keep *The Hindu* in countenance.

V. K[RISHNASWAMI AIYAR].

2. The fact that this man gave himself up is curious. Of course he carefully prepared this statement before doing so. But he must have heard that police were on him before he took this move.

M. H[AMMICK]—15-7-11.

I think the essays cannot be the innocent ones he pretends they were. Hariharan would not have paid if they had not been violent. His own views, I suspect, he foists on V. V. S. Aiyar. Sankara and Vanchi were his pupils more than V. V. S. Aiyar's. He changes the story from the date of meeting Veerabhadra Sarma. Can't he be found? He can tell us whether he succeeded in reforming Nilakanta. The halt at Bezwada, Rajahmundry, Cocanada (out of the way) should have been in expectation of news of some murder planned.

V. K[RISHNASWAMI AIYAR]—17-7-11.

I can't conjecture his motive for giving himself up. There is something behind.

J. N. A[TKINSON]—18-7-11.

A. L[AWLEY]—18-7-11.

Demi-official—from P. B. THOMAS, Esq., Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—the 14th July 1911.

"Richmond comes on Sunday. The case of abetment of murder against Sankarakrishna Aiyar is, as you know, fairly complete. The consp[illegible] case is very slow "work, but we get a little bit of new stuff every three or four days. There is still a "tremendous lot of detail to be worked out, such as proof of searches, letters, hand-"writing, etc., and I hope that a good deal more actual evidence will gradually come "out. Paupa Rao comes here to-morrow to give me fuller details of his doings in "Pondicherry and I shall then send him back there again.

"Nilakanta's statement is rather disappointing, but he is likely to give more "details, and I think that we may eventually get enough evidence to take some "kind of action against the Pondicherry men, but it will be a work of considerable "time and difficulty and it will not do to rush it.

"I have finished a very careful analysis of the evidence against each person in the conspiracy case as disclosed by the correspondence, and shall have a similar analysis of all the other evidence against each man for Richmond by the time he comes.

"I enclose a rough sketch of the way in which the case appears to me to hang "together. It is only very rough, but the statement of the evidence is accurate. "You will see from it that the case is very incomplete.

"I am, however, practically certain that the threatening letters are in Madaswami's "handwriting (from a careful comparison with his known handwriting), and if this is "proved in Court it will strengthen this case enormously. I also hope for a good deal "more evidence in odd bits, and something will very likely result from the arrest of "Madaswami and Shanmugam who, I think, are certain to be caught.

"We shall get nothing more out of Travancore, I am afraid. I have got one "new witness (the excise peon Subramania Pillai) from there, but his statement will not "be recorded till to-morrow.

Points.	*Evidence.*
1. That Vanchi murdered Mr. Ashe and committed suicide and that a letter was found on his body showing that he did so as the result of a political conspiracy.	1. The inquest witnesses. 2. Mr. Johnson. 3. A Maniyachi police constable, etc.
2. That a suspicious association existed which included Vanchi, Nilakanta and others.	1. Correspondence between different members.
3. That members of this association met at Tuticorin, Tenkasi, Courtallam Shencottah and Punalur.	1. Correspondence between different members. Statements of— 1. Umayorabogam Pillai (Tuticorin). 2. Rama Rao (Shencottah). 3. Subramania Pillai (Punalur—not yet recorded). 4. Venkatarama Aiyar (Punalur). Confessions of— 1. Arumugam Pillai. 2. Nilakantan. 3. Somasundaram Pillai. 4. Jagannatha Aiyangar.
4. That Nilakanta, Vanchi and Sankarakrishna Aiyar visited, and lived in, Pondicherry and were in touch with the nationalists there.	1. Statement of Pondicherry witnesses (not yet recorded. Paupa Rao has just secured 3). 2. Statement of Sankarakrishna Aiyar's father (not yet recorded—doubtful). 3. Statement of Vanchi's father Raghupathi. 4. Correspondence between different members.
5. That several of the accused were in possession of seditious literature and that it emanated from Pondicherry and *evidence of the actual authorship of seditious papers in Pondicherry* (I believe never before obtained).	1. Seizures of literature. Confessions of— 1. Somasundaram Pillai. 2. Arumugam Pillai. 3. Nilakantan. 4. Pondicherry witnesses the Postmasters certain, others doubtful; this is being worked up by Paupa Rao.
6. That Vanchi was in company with one of the members of this association (Sankarakrishna Aiyar) at the moment of the murder and with others (Chidambaram Pillai, Arunachalam and Sankarakrishna Aiyar) during the few days immediately preceding the murder.	Statements of— 1. The Maniyachi stationmaster's sons. 2. Mahdi Khan. 3. Thayee. 4. Sankara Aiyar. 5. Sama Rao (Tenkasi). 6. Manika Paradesi.
7. That two threatening letters were sent to Mr. Ashe by one of the members of this association (Madaswami Pillai).	1. Handwriting expert is not quite certain.
8. That this association was called the Bharata Mata Association, was seditious, and formed for the purpose of murdering officials, etc.	1. Statement of Venkatarama Aiyar (Punalur). Confessions of— 1. Arumugam Pillai. 2. Somasundaram Pillai. 3. Jagannatha Aiyangar.

Demi-official—from H. F. W. GILLMAN, Esq., I.C.S., District Magistrate, Tinnevel
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secreta to Government.
Dated—Tinnevelly Bridge, the 14th July 1911.

"I am in receipt of your demi-official of the 11th instant. Government has do "everything necessary for the initiation of the prosecutions. I have not yet receiv "the Government order applying Act XIV of 1908 to the conspiracy case, the iss "of which was advised in your telegram No. 674 of the 11th instant. You may "sure that I am aware of all the provisions of the Act.

"2. On receipt of your telegram No. 684 of the 12th instant, I telegraphed "Richmond. He arrives here to-morrow night, and on Sunday morning I shall co "mence taking him and Mr. Sundara Sastri, the local Public Prosecutor, throu

"the evidence that has so far been obtained, of which a scheme is now being "prepared by Thomas, and through the correspondence seized. I shall obtain the "advice of these lawyers as to the form in which the two cases should be presented, "the points, if any, on which further evidence is necessary and the desirability of "taking K. V. Arumugam Pillai as an approver in the conspiracy case. These "matters settled, there will, so far as I can see, be no reason why the case against "Sankarakrishna Aiyar should not be commenced. The investigation into the cons- "piracy case has not advanced sufficiently for me to say when it will be ready for "presentation to the Magistrate. It will probably be taken up on a later occasion "when Napier will be able to be present. Both cases should be completed at the "same time.

"3. Allow me to explain my remark in my letter of the 7th instant that Govern- "ment was under a misapprehension in regard to Arumugam Pillai. My letter was "written in a great hurry to catch the post, and I see I have created a wrong impres- "sion. You said in your letter of the 5th that, while Arumugam remained at large, "there was the risk of his bolting or being got at by friends of the accused. I wished "to show that there was no ground for these apprehensions. While he was at large, "Arumugam was afraid to leave the company of a police officer and so could not "be got at; and he certainly never thought of bolting for he is in dread of being "murdered.

"4. Next, with regard to the distribution of seditious pamphlets in Madura. "These pamphlets came from Pondicherry, and the person responsible for their issue "appears to have been Nagaswami, who works as a press foreman or general *factotum* "for Subramania Bharati. You will see that towards the end of his statement Arumugam "Pillai says: 'A month ago (date of statement being 24th June 1911) I received "'a packet containing about ten printed booklets entitled "Friendly Advice to the "'Aryas." The address was in the handwriting of Nagaswami and the *postmark was* "'*Madura.*' It has to be ascertained whether Nagaswami went there, or sent ready "addressed packets in a large bundle from Pondicherry. It is more probable that he "sent them. In either case it is likely that the pamphlets intended for distribution in "Madura were in the same bundle and that the Tinnevelly conspirators were known "to men in Madura and were in communication with them. It ought to be possible "for Lane and his local police to obtain information on these points and also about "Pichumani Aiyar's associates. Lane has received special instructions and has been "requested to remain at Madura and direct inquiries. I am writing to him now to "give him a few more suggestions. As the result of a talk that I have had with "Thomas to-day on this subject, he is sending Criminal Investigation Department "Deputy Superintendent Ramaswami Aiyar to Madura to assist Lane. Ramaswami "Aiyar has no longer any work of importance here. I was not aware that Thomas "had recommended the prosecution of the Muhammadan peon at Madura. It would "be folly to take action against a mere tool as this man was: we have got to find out "those who were behind him.

"5. Thomas has, I believe, already explained to you why you received no reports "for three days. There was nothing to report. Both he and Cardozo are now fully "alive to the necessity of keeping you promptly informed of the progress of the "investigation, and I hope you will have no reason to complain again.

"6. Enclosed is a copy of a further statement made by Nilakanta Aiyar to Tam- "poe to-day. When examined on Wednesday he asked Tampoe to send for him "again to-day, as he wanted to say something more. He has now admitted the "formation of secret societies at Tenkasi in May 1910 and at Tuticorin in July. "He has also admitted that the members took a vow in the presence of the goddess "Kali and after doing puja to her cut their thumbs and put their thumb-marks in "blood on a paper containing the terms of their vow. He does not admit the criminal "object of the society, but what he has said goes a long way to corroborate the state- "ments of Somasundaram Pillai and Arumugam Pillai. That his statement is entirely "voluntary is clear from the opening statement in it. He is confined in the District "Jail where no police officer has access to him.

"7. Copies of Tampoe's notes of an identification parade held this morning, which "contain a statement made by Gnanamuttu, as also of the latter's subsequent deposi- "tion, are enclosed. Gnanamuttu travelled down from Tinnevelly Bridge in the same

"train as Ashe and saw the murder committed. He identified Sankarakrishna Aiyar "without hesitation and also Arunachalam Pillai as having been present on the Maniyachi platform at the time of the commission of the crime. It is a question whether "the identification of Arunachalam is correct, as Arunachalam says he was at Calcutta "on the 19th, entered the National Medical College there on that date, and sent a "telegram from there on that evening. I have called for this telegram from the "Check Office, Calcutta, and am causing inquiries to be made at the college to ascertain "what record there is of his application for entrance. I am rather inclined to believe "that this evidence has been prearranged by him to establish *alibi*, and that his "identification by Gnanamuttu, who seems to be an intelligent observer, is correct. "The reasons for my belief are that Arunachalam was closely associated with "Vanchi Aiyar and Sankarakrishna Aiyar immediately before the murder, and was "evidently one of the men selected to perform the deed. Also, all the other selected "men, among whom I include Madaswami, "remained, and there is no reason to think "that Arunachalam should be an exception.

But Nilakantan?
V. K[RISHNASWAMI AIYAR].

"Also, Arunachalam has been at particular pains to note in his diary for the 15th "June not only the number of his ticket to Madras, but also the number of the carriage "in which he travelled. These are unusual details for a man to note and seem to "indicate that he knew what was going to happen and made these notes in order to "establish *alibi*. The result of the inquiries that are being made in Madras and "Calcutta will enable us to decide whether Gnanamuttu was mistaken or not. I "should add that there is one witness, "a sanyasi from Shencottah, who says he "saw Arunachalam with Vanchi at Tinnevelly on the evening of the 15th."

If it is the man I have seen he is unreliable.
V. K[RISHNASWAMI AIYAR].

ENCLOSURES.

(1)

IN THE COURT OF THE SUB-DIVISIONAL MAGISTRATE, TINNEVELLY.

Statement of Nilakantan, accused in P.R. No. 2, on the file of this Court

Question.—You asked this Court on the 12th, at the close of your statement before it, for permission to come up before it again in two days' time to say something more about yourself. Do you wish to say anything?

Answer.—Yes, I do. I want entirely to unburden my mind. If any persons are to be punished for what I say, I should be the first among them, but I believe I am innocent. When I was in Tenkasi in May 1910, I sent Sankarakrishnan to bring Vande Mataram Subramania Aiyar from Ettiyapuram and K. V. Arumugam Pillai from Tuticorin. They came and in Chidambaram Pillai's house we formed a society and undertook by an oath that each of us would devote his life and property to the cause of the country. We offered puja to the mother Kali, and then we wrote the conditions of our vow on a piece of paper, which we signed. We then cut our thumbs, and put our thumb-marks on the paper in our blood. This was to create some awe in the minds of the members.

Question.—Did Chidambaram Pillai sign it too?

Answer.—Yes, he also signed. I have something more to say about Tuticorin. I went there, as I have said before from Tenkasi. Sankarakrishnan came there in advance of me, [illegible] formed a similar society there. We took a similar vow, and signed a paper, and put our th[illegible] impressions in blood. Myself, Sankarakrishnan, Arumugam Pillai, Madaswami Pill[illegible] Ottapidaram, one Sankaralingam of Tuticorin, Somasundaram Pillai of Tuticorin signed.

We did not clearly state what the purpose of the society was. I myself was not clear about it. I did not teach anything to these people. Then I went to Courtallum, where I met Veerabhadra Sarma, who gave me definite views about the reformation of the country. I did not start any society either with Vanchi or with the Shencottah people, nor did I teach against Government any hostile views to the Shencottah people. I went to my native place and never mentioned anything about the society to any of my acquaintance either in Tinnevelly or in other places. I do not know what these people did after I went to Madras. This is all true, and I have not hidden anything.

I made the two corrections above, and the statement is recorded correctly.

14th July 1911. NILAKANTAN.

14th July 1911. A. MC. G. C. TAMPOE.

12

(2)

BEFORE THE SUB-DIVISIONAL MAGISTRATE, TINNEVELLY—14TH JULY 1911.

Mr. J. Gnanamuttu.

I recognize the seventh man from the left end as a man I saw on the platform on the morning of, and at the time of, the murder of Mr. Ashe, late Collector of the district.

I also recognize the 16th from the same end as a man who stood there at the time. I remember them both quite well. Neither of them, however, came near the carriage. The train was between me and them. I was on the platform between the train in which Mr. Ashe was and the lines on which the Tuticorin boat-mail came on that day. They were not the lines on which it usually comes. They were about twenty yards from me. I saw them through the window of the carriage in which Mr. Ashe was. I also saw a man like the fifth man from the same end. He was standing on my side of the train and near me. I cannot say he is the identical man. He was standing behind me and I turned round and saw him.

This won't do.
V. K[RISHNASWAMI AIYAR].

I do not know any of these men. I saw them then for the first time. I see them now for the first time since then.

J. GNANAMUTTU.

Taken down by me, read over and admitted correct.

14th July 1911. A. MC. G. C. TAMPOE.

The men were arranged as follows :—

(1) Subramania Pillai of Terkupatti.
(2) Jagannatha Aiyangar of Shencottah.
(3) Somasundaram Pillai of Tuticorin.
(4) Alagappa Pillai of Shencottah.
(5) Meenatchi Aiyar of Tirumalaikolunthupuram.
(6) Sivaramakrishna Aiyar of Tuticorin.
(7) Arunachalam Pillai of Shencottah.
(8) Parasu Ramier of Tirumalaikolunthupuram.
(9) Vemban *alias* Mahadeva Aiyar of Shencottah.
(10) Bapu Pillai *alias* Ramaswami Pillai of Shencottah.
(11) Krishna Aiyar of Tirumalaikolunthupuram.
(12) Harihara Aiyar of Shencottah.
(13) Desika Chari of Punalur.
(14) Pichumani *alias* Venkatachala Aiyar of Shencottah.
(15) Tiruvenkadu Tatan of Melapatam.
(16) Sankarakrishna Aiyar of Krishnapuram.
(17) Subbaiya Pillai of Tuticorin.
(18) Iyanu Kone of Terkupatti.
(19) Muttuswami Pillai of Tuticorin.
(20) Chidambaram Pillai of Tenkasi.
(21) Pichandi Naick of Moramban.

The men identified were—

(i) No. 7 Arunachalam Pillai of Shencottah,
(ii) No. 16 Sankarakrishna Aiyar of Krishnapuram,
and (iii) No. 5 Meenatchi Aiyar of Tirumalaikolunthupuram. Of this man the witness stated that he resembled a man who was standing behind him on the same platform as the witness, and that he is not certain of his identity. Seven of the men in the row were strangers: they were Nos. 1, 5, 8, 11, 15, 18 and 21. The witness came in with me into the sub-jail after the men had ranged, saw the men and gave the statement above recorded.

14th July 1911.

A. MC. G. C. TAMPOE,
Sub-Divisional Magistrate, Tinnevelly.

(3)

IN THE COURT OF THE SUB-DIVISIONAL MAGISTRATE, TINNEVELLY.

Name	J. Gnanamuttu.
Father's name	D. Gnanamuttu.
Village	Calicut.
Profession	College Lecturer.
Religion	Christian.
Caste	......
Age	45.

Solemnly affirmed in accordance with the provisions of Act X of 1873 on 14th July 1911.

I am a native of Palamcottah, and I am employed in Calicut. I came here to spend the summer holidays. I was here nearly two months. I left Tinnevelly Bridge on 17th June 1911 by the 9–30 train to catch the boat-mail at Maniyachi. I travelled in the third-class carriage which was nearest the first-class carriage. I was in the compartment furthest away.

When we arrived at Maniyachi we were told to go to the platform to the east, and not to the usual platform. Mr. Peter Pillai and I took our things, and waited on the platform for the boat-mail. The things belonging to Mr. Ashe were brought out and kept near ours—on the north side. It was then about 10–35 A.M. I was standing opposite the first-class compartment, and about ten yards from it. I saw Mr. and Mrs. Ashe in the compartment. He was sitting on the seat on my side of the train, and had his back towards me. Mrs. Ashe was sitting opposite him. I stood facing the compartment.

About ten minutes later I saw a man approach the carriage window nearest to Mrs. Ashe, and I heard an explosion. My first impression was that a soda-water bottle had burst. Almost simultaneously with the explosion I saw Mr. Ashe take up his hat from his righthand side and throw it at the man. Mr. Ashe got up then shouting, and took one or two steps and fell.

One or two minutes before the shot was fired, three or four men were standing some ten yards from the carriage on the opposite side of it and a little to my right. They were between the carriage and a building. They had no luggage with them, and were standing there.

When the shot was fired, only one walked a little towards the south, that is to my left so as to come almost opposite me and turned to the west. None of them came near the carriage, as we did, when the Collector had been shot. The man who came almost opposite to me and turned was the man who stood sixteenth in the row this morning and whom I identified. I saw him twice—once before the shot was fired, and second when he came opposite to me after the shot was fired. The others I saw once, two or three minutes before the shot was fired. I do not know what became of them after the shot was fired, as I did not see them afterwards.

The man who stood seventh in the row this morning, and whom I identified, was among the latter. To the best of my knowledge, these men were there.

The third man I identified was behind me. I am not certain of his identity. He resembles the man I saw.

I am most certain of the man who stood sixteenth this morning because I saw him twice.

I had no reason to connect them with the crime. The fact that they did not come near the train after the shot seemed to me strange. I noticed the man behind me only after the shot was fired and because he said in Tamil: * " . . . டிஸ்ற்றிக்ட் போர்டில் தலை காட்டவிட்டானிலே தாய்யழி."

This was after the whole thing was over, and we were wondering what the cause for the murder may have been. When I asked him what he meant he slipped away.

J. GNANAMUTTU.

Taken down by me, read over and admitted correct.

14*th July* 1911. A. MC. G. C. TAMPOE.

* Means—
" . . . he did not allow him to show his head in the District Board, the incestuous beast."

May be "people" generally.
V. K[RISHNASWAMI AIYAR]—20-7-11.

Demi-official—from A. T. FORBES, Esq., I.C.S., Resident in Travancore and Cochin.
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—Trivandrum, the 14th July 1911.

"With reference to your strictly confidential demi-official letter of the 10th "received yesterday containing copy of a letter addressed to you by Thomas complain-"ing of the apathy shown by the Darbar officials—if, indeed, there was not actual "obstruction—in the enquiries being made in the Ashe murder case, I write to say that "I at once sent a strongly worded letter to the Acting Diwan on the lines indicated by "you and asked him also to come and see me this morning. I also asked His Highness "for an interview and got his reply before I despatched my letter to the Diwan. Un-"fortunately His Highness is engaged on ceremonies and will not be free till Monday "the 17th, but will see me that afternoon.

"This morning I repeated to the Diwan what I had written to him and told him "that the local officers were not giving that assistance which was expected of them "and that George was in a very difficult position in trying to obtain information

"unaided. I referred particularly to the point mentioned by Thomas, viz., that Shencottah and Punalur were small places and that lots of forest and excise men must "have been intimate with Vanchi Aiyar and his criminal associates and could give "information if they chose, and I asked for an assurance that whatever help George "applied for he should have. This he readily gave and told me he had sent His "Highness the letter which I had written to him the previous day. He showed me "His Highness's reply, which was that any suggestion from me was to be acted upon. "To begin with, I said I wanted the Acting Diwan Peishcar of Quilon to go to Shencottah and remain there some days helping George and to be seen about with him to "show the people that the Darbar officials were *really* assisting the enquiry and thus "give them confidence to come forward and say what they knew.

"I said I wanted Rama Rao, the Conservator of Forests, to go down there and remain "some days with George and that instructions should be issued to him that he *must* "influence his men to tell us what they knew.

"I spoke to him also about the transfer of the Tahsildar who, Thomas says, "seems to be one of the few men who is really helping George and said it was a very "great pity—to say the least—that he should have been moved at this juncture. He "said the transfer had been ordered before he took charge, but he should be retransferred there if I liked. I have accordingly written to George to let me know at once "if he wants him back.

"The Acting Diwan said he would go down himself if he was wanted and would "also send the Excise Commissioner. All this I have told George—he has only to "let me know now what, exactly, he wants and I am pretty sure I can get it done.

"At the same time I am surprised that George has not applied to me in his "difficulties and told me specifically what he wanted. For instance, two points which "Thomas urges as unfriendly acts on the part of the Darbar I had no idea were so "regarded by George: (*a*) the failure to take immediate notice of the conduct of the "Inspector of Alleppy who seized only *some* of Harihara Aiyar's correspondence; "and (*b*) the transfer of the Acting Tahsildar of Punalur who was giving George real "assistance. As regards (*a*) George has never mentioned it to me, and as regards (*b*) "he mentioned the fact for the first time so far as I remember in his notes of the 10th "and then only in a casual manner and not as a subject for complaint.

"I wrote to George this morning before I had my interview with the Diwan and "asked him why, if he considered these as obstructive tactics, he had not let me know. "I certainly think I could have got the transfer stopped if he had dropped me a hint. "As regards the other matter (*a*) Rajagopala Chari told me on his return from Tinnevelly that George had wanted to suspend the Inspector but he was against it as he "considered it impolitic to have the man idle there and working against the investigation "if he is a knave—on the other hand, it might only be he is a fool. A sharp reprimand for the time would show him that his conduct aroused suspicion and would "keep him straight. Unless Rajagopala Chari is running with the hare and hunting "with the hounds, it seems to me that there is a good deal in what he says, for I suppose "that Alleppy is being worked by the Criminal Investigation Department as it does not "seem likely that Harihara Aiyar would be the only disaffected person in that town.

"I told George in my earlier letter of to-day that now that Harihara Aiyar had "been sent off I would, if he considered it advisable and not too late, press for something "being done to show that the Darbar disapproved of the Inspector's conduct and that "I would keep his (George's) name out of my representations to the Darbar.

"This letter has already run to some length, so I will reserve what I have to say "about Gillman's view of Palace influence over Rajagopala Chari for my report "to-morrow. My immediate object is to show that George has now only got to let me "know in what particulars he wants his hands strengthened to get the help he requires. "I have got from the Acting Diwan the reports of the District and Sub-Magistrates and "am having them typed—one copy will be sent to George. The Acting Diwan does "not think that George has been supplied with these reports—at least there is nothing "in the office to show it."

Demi-official—from H. F. W. GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—the 16th July 1911.

"Thomas and I explained the principal features of the evidence in the two cases "to Richmond and Sundara Sastri this morning and we propounded to them the "questions, legal and otherwise, that we want answered. They have retired with "copies of the correspondence seized and of the evidence recorded and are going "through them. This work will occupy them all to-morrow, and on Tuesday we are "to have a further consultation. I shall let you know the result of it at once.

"Richmond has advised that Tampoe should not be asked to record any more "statements under section 164, Criminal Procedure Code, as he is to conduct the "preliminary inquiry. So to-day I have recorded two statements—one from Sankara-"krishna Aiyar's father, and the other from Sivasubramania Pillai, an excise peon of "Travancore. The former is trying to shield his son, but made some important "admissions. Sivasubramania Pillai seemed to me to be a truthful witness and I was "well satisfied with the way in which he gave his evidence. He corroborates witness "Venkatarama Aiyar in regard to Nilakantan's visit to Punalur and the incidents "connected with it.

"Thomas is sending you copies of the statements.

"Cardozo has been away at Trichinopoly for three days on a railway case and "returned this evening.

"*P.S.*—I have engaged Sundara Sastri to assist Napier and Richmond."

ENCLOSURES.

(1)

IN THE COURT OF THE DISTRICT MAGISTRATE, TINNEVELLY.

Sivasubramania Pillai on oath 16th July 1911 (*Section* 164, *Criminal Procedure Code*).

I have been excise peon for one and a half years. I am now serving in Shencottah. In Adi masam last year I served in Punalur. Commencing from that month I served three months in Punalur. From there I was transferred to Shencottah where I have been serving since. I know Vanchi Aiyar, son of Raghupathi Aiyar. He was in Punalur when I was there employed in the forest. He was living in the house of Bapu Pillai *alias* Ramaswami Pillai. He is Vanchi Aiyar's friend and was staying with him at Punalur and was cooking for him for some time. I know Nilakanta Brahmachari. I have seen him in Punalur during my stay there. He was staying with Vanchi Aiyar in Bapu Pillai's house. Jagannatha Aiyangar was also there. I had not known Nilakanta Aiyar before. Vanchi Aiyar told me his name and said that he was a sanyasi and that he would lecture on *Swadeshi* matters. Bapu Pillai was also there. Sankarakrishna Aiyar was also there. He is of Krishnapuram. I used to see him in Bapu Pillai's house. I also saw Desika Chari of the T. A. T. Company, guard Venkatarama Aiyar, Subramania Aiyar, Accountant, Dharmaraja Aiyar of Shencottah, Mahadeva Aiyar *alias* Vembu Aiyar, Harihara Aiyar of Shencottah now at Alleppy, Ramaswami Aiyar of Sundarapandiapuram and Ramu Aiyar, son of Mani Aiyar of Shencottah. I saw all these people speaking together in Bapu Pillai's house. I saw them speaking on two occasions.

Vanchi told me that Nilakantan came from Tanjore. I know Bharinikavu temple in [illegible] village. A puja was performed in that temple about the time these people were staying w[illegible] Bapu Pillai. The puja was performed at the instance of Bapu Pillai. I went to it. The pers[illegible] named above were at it, also the Punalur villagers. The *prasadam* was distributed and [illegible] villagers went away. The men named above stayed behind and I also stayed. Bapu Pillai said that the lecture would begin. As soon as the lecture began Vanchi said that it would be better if the lecture was given in Bapu Pillai's house. They all went to Bapu Pillai's house and I accompanied them. Vanchi and Sankaran lectured that the English should be driven out of the country (*Englishkararai desattai vitu verutta vendiyadhu*) and that we should thus obtain *Swaraj* and we ourselves must rule (*nâmé andukolla vendum*). They said that we should establish some *Swadeshi* godowns by the side of the river. Four or five days afterwards there was a feast in Bapu Pillai's house. All of us had been invited. I went and there were others, namely, those named above, viz., Nilakanta Aiyar, Vanchi, Bapu Pillai, Sankarakrishnan, Desika Chari, guard Venkatarama Aiyar, Subramania Aiyar, Mahadeva Aiyar, Jagannatha Aiyangar, Dharmaraja Aiyar, Harihara Aiyar, Ramaswami Aiyar and Ramu Aiyar. After eating Sankarakrishnan said that we should manufacture soap, candle, etc., in the godown to be established and have shares in

the godown and should subscribe Rs. 500 each. I was also asked to take a share but said I was unable to subscribe. They said that if I took a share I would be employed in the godown and liberally paid. I said I preferred Government service. Then Nilakantan spoke about *Swadeshi* matters. He said that Bapu Pillai, Vanchi, Sankarakrishna Aiyar, Desika Chari and Hariharan should take all steps to drive out the English and be prepared to fight if occasion arose. Harihara Aiyar promised to help on the Alleppy side. Nilakantan said he would get necessary help from Pondicherry and other places. He did not say what kind of help. The others said that they would help in Punalur. They said that this was a secret matter and the truth (*sathiyam*) and that it should not be given out. Some of those present said yes, but guard Venkatarama Aiyar, Subramania Aiyar and myself did not agree. They said then that we were their enemies, and that misunderstandings would arise. Then we separated. Vanchi told me that Nilakantan came with Sankarakrishnan to Punalur by train. I saw the Superintendent of Police, Travancore, and this gentleman (Mr. Thomas) at Shencottah and told them all, but I do not remember exactly what I stated. I told them about this matter.

SIVASUBRAMANIA PILLAI.

Taken down by me, etc.

H. F. W. GILLMAN.

(2)

IN THE COURT OF THE DISTRICT MAGISTRATE, TINNEVELLY.

Sankara Narayana Aiyar, son of Sankarakrishna Aiyar of Kadaiyanallur, Krishnapuram, Tenkasi, Brahman, Hindu, cultivator, aged 45.

Statement recorded under the provisions of section 164, Criminal Procedure Code. Sworn 16th July 1911.

Sankarakrishna Aiyar is my son. He is now in jail. The letter shown me (serial No. 10, search No. 25) is in his handwriting. I do not know the English handwriting on the cover.

My son was educated at the Hindu College, Tinnevelly, and studied up to the Matriculation class. He studied at the college four or five years, and left it about three years ago. Whilst my son was being educated I was at Sanyasigramam close to Veeraraghavapuram in order to look after my son. He ran away from Tinnevelly without my knowledge before his education was completed and went north. On enquiries being made I ascertained that he went to Madras, Pondicherry and other places. He ran in the year of the Tinnevelly riots and about four months after the riots. One Ramakrishna Pillai, son of Nelliappa Pillai, who is employed under one Annaswami Mudaliyar who has purchased the Mitta of Krishnapuram, told me that my son Sankarakrishnan was in Pondicherry. Annaswami Mudaliyar resides in Pondicherry and Ramakrishna Pillai used to visit him there. Ramakrishna Pillai said that he saw my son at Pondicherry in company of one Rajangam Aiyar, son of Venkatakrishna Aiyar of my village. I went to Pondicherry to bring my son down. That would be over a year after he had run away. I saw Rajangam there living in the Kalavai bungalow. Rajangam told me that my son had left Pondicherry about four days previously for Tinnevelly. Rajangam is now in Rangoon. I returned directly to Tinnevelly from Pondicherry, and saw my son in Sanyasigramam. I took him to my village Krishnapuram. He remained in my village about a month and left without telling me. I made enquiries and learnt that he was holding a school in a village near Srivaikuntam. I went there and brought him back to my village. My son married a girl of Punalur, her father being Apathorai Aiyar. The ceremony of consummation of marriage was celebrated after my son's return from Srivaikuntam side. That would be about one and a half years ago. His wife has since been living both in my house and in Punalur. My son used to go to Punalur often. I don't remember if he went there while his wife was in Krishnapuram.

I do not know Vanchi Aiyar *alias* Sankaran Aiyar. I know his father Raghupathi who used to come to my village. I do not know Jagannatha Aiyangar of Shencottah. I know Sivaramakrishna Aiyar, son of Vengu Aiyar of Tuticorin. My son Sankarakrishnan used to take his meals in a hotel and in Sivaramakrishnan's house in Veeraraghavapuram in my son's first year course before I came to look after him. I did not see him after my son came back from the north and after I took my son to my village. I am sure I have not seen him afterwards.

Lately I went to the marriage of my brother's daughter at Krishnapuram Kadayam. The *muhurthum* ceremony was on the first of Ani, a Thursday. I did not see him. Sankarakrishna Aiyar, my son, attended the marriage. I don't know if he saw Sivaramakrishna Aiyar. My brother is Guruswami Aiyar *alias* Lakshminarayana Aiyar. Vengu Aiyar, father of Sivaramakrishna Aiyar, is related to me on my wife's side. I don't know Chavadi Arunachalam Pillai of Shencottah. I know only elderly Brahmans of that village.

Taken down by me, read over to the witness in my presence in Tamil and acknowledged by him to be correct.

H. F. W. GILLMAN,
District Magistrate.

16th July 1911.

Letter from the District Magistrate, Tinnevelly, R.O.C. No. 1124-Magl., dated 18th July 1911.

Official Memorandum to the District Magistrate, Tinnevelly, No. 3834-1, dated 21st July 1911.

Demi-official—from H. F. W. GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—Tinnevelly Bridge, the 18th July 1911.

"Richmond wrote to me yesterday that he is engaged in making an exhaustive "analysis of the two cases, and that he does not expect to be ready for a second con- "sultation to-day. So it will probably be held to-morrow. Sundara Sastri is also going "through the evidence independently of Richmond, so we shall have the benefit of "the conclusions formed by each man without reference to the other and are not likely "to overlook any points.

"In my letter of the 14th instant I told you I thought that Gnanamuttu's "identification of Chavadi Arunachalam Pillai as one of the men whom he saw on the "Maniyachi platform at the time of the murder was correct, and that Arunachalam made "the entries in his diary and caused the telegram to be sent from Calcutta on the 19th "with a view to establish an *alibi*. I am now certain that I am right for, by a bit of "rare good fortune, I find among the telegrams which I have requisitioned from the "Check Office, Calcutta, the Tenkasi office copy of a telegram despatched by Aruna- "chalam Pillai to a friend K. S. Muthiah Pillai at Tenkasi on the 17th June. The "contents of the telegram are 'Coming to-night's train', and it was handed in at the "Kilakadayam Railway station office at 5 P.M. on that day. It is signed 'Chavadi "Arunachalam Pillai, Alwarkurichi'. Alwarkurichi is the railway station next east "of Kilakadayam, and it seems clear that Arunachalam was travelling by train and "intended to hand the telegram in at the Alwarkurichi office, but had not time to do "so. It now further seems to be certain that Sankarakrishna Aiyar was travelling "with Arunachalam by the same train and that the telegram was handed by the latter "to the former, who was alighting at "Kilakadayam, for despatch. Hamilton "goes to Tenkasi to-day to make inquiries "of Muthiah Pillai and I am requisition- "ing the original of the telegram. "No further news at present."

The original of the telegram sent from Calcutta on 19th, I presume. It can't have been really sent by Arunachalam.

J. N. A[TKINSON]—20-7-11.

Demi-official—from P. B. THOMAS, Esq., Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—the 16th July 1911.

"On 15th Gnanamuttu Pillai of the B.G.M. College, Calicut, who arrived the "day before and who had been sent for on information that he travelled in the same "train as Mr. Ashe to Maniyachi on 17th June, was shown all the accused except "Nilakantan mixed up with a crowd of other people at the sub-jail, Mr. Tampoe, "First-class Magistrate, conducting the identification parade.

"Gnanamuttu picked out Sankarakrishna Aiyar and Arunachalam Pillai (arrested "in Calcutta) as having been present on the platform at Maniyachi near the murderer "(whose photograph he identifies) just after the shot was fired.

"Enquiries are being made in Madras and Calcutta to ascertain Arunachalam's "exact movements, as according to his own story he reached Calcutta on 19th and "therefore could not have been at Maniyachi on 17th.

"Gnanamuttu was taken to Maniyachi with the two above accused by Mr. "Tampoe, and marked on a plan of the station the exact place where Mr. Ashe's "carriage was standing and where he himself was standing. He also placed the two "accused in the place where he saw them on the platform.

15

"To-day (16th) the father of the accused Sankarakrishna Aiyar was examined by "the District Magistrate who recorded his statement on oath. He admits that his son "ran away from school (Hindu College, Tinnevelly) and spent a year in Pondicherry, "and that he went in search of him there.

"Sivasubramania Pillai, an excise peon of Shencottah, also gave a statement on "oath on the same lines as that already given by Venkatarama Aiyar of Punalur, "describing the meeting of the accused at Punalur and the seditious lectures delivered "at Bapu Pillai's house by Sankarakrishna Aiyar and Nilakanta Aiyar. These state-"ments are enclosed.

"Mr. Richmond has arrived and the whole case has been discussed with him and "Mr. Sundara Sastri, the Public Prosecutor. The discussion will be resumed after "they have further studied the evidence.

"Madaswami Pillai and Shanmugam are still being searched for.

"One Arunachalam Pillai has stated that he recognizes Madaswami Pillai's writing "in the threatening letter sent to Mr. Ashe and Mr. Sundara Sastri. He also identifies "Madaswami Pillai's handwriting in other correspondence. The Director of Criminal "Intelligence does not want the handwriting expert to be produced in Court to give "evidence. I have wired saying that I should prefer to have his evidence and am "awaiting reply. Mr. Richmond does not think his evidence indispensable.

"The witness Peter Pillai, who travelled in the same train as Mr. Ashe to "Maniyachi on 17th, arrived from Madras this evening (16th July) and will be taken "to identify the accused to-morrow."

Chief Secretary—

In accordance with the Chief Secretary's orders, I submit for perusal a file of correspondence regarding the Tinnevelly case. It is submitted without the main file, which is being prepared for the press.

S.H.S.—19-7-11.

Honourable Member & Circ.—

The most important item in these reports is the fairly conclusive evidence of the presence of Arunachalam Pillai at Maniyachi at the time of the murder. It will be seen that the schoolmaster, Gnanamuttu, picked him out as one of the men he saw near the carriage, the other being Sankarakrishna Aiyar. Arunachalam Pillai is the man who was arrested in Calcutta, and he had evidently prepared an elaborate *alibi*. Fortunately, however, Mr. Gillman has been able to obtain a most important piece of evidence of the falseness of this *alibi*, for it seems pretty clear that Arunachalam Pillai sent a telegram from Kilakadayam railway station on the 17th of June to K. S. Muthiah Pillai at Tenkasi. Gnanamuttu's evidence, taken along with the fact that Arunachalam Pillai had prepared an elaborately false *alibi*, and possibly other evidence which may be forthcoming of his presence in Tinnevelly or the neighbourhood about the time of the murder, should be sufficient to justify Arunachalam Pillai being charged along with Sankarakrishna Aiyar instead of with the other conspirators. It will be seen from Gnanamuttu's evidence that there was yet a third man present on the occasion of the murder. This may possibly turn out to be Madaswami Pillai, who is still absconding.

2. Another point of importance is the identification of the handwriting of the threatening letters sent to Messrs. Ashe and Sundara Sastri, the Government Pleader, as the handwriting of Madaswami—see statement of N. Arunachalam Pillai, a teacher in the S.P.G. School, who has known Madaswami since his childhood. With reference to Mr. Thomas's desire to have the evidence of the Government Expert in Handwriting, Mr. Hardless, I entirely agree with the Director of Criminal Intelligence that this is unadvisable. Hardless does not know Tamil, and although he professes to be able to deal with all kinds of writing, whether he knows the characters or not, I am quite sure that no Court would accept that claim. I would, therefore, tell Mr. Thomas that he should not call him as a witness. It will be noticed that Mr. Richmond does not think his evidence indispensable.

3. Sivasubramania Pillai's evidence as to the complicity of Nilakantan is a valuable corroboration of the evidence of Venkatarama Aiyar, the Punalur forest-guard. I think that the evidence we have got against Nilakantan, when taken with his own confessional statements, should be quite enough to get him transportation for life.

4. Mr. Forbes's letter may be read. Since its receipt, I have had another letter from Mr. Thomas giving definite statements regarding obstruction by Travancore officials. I have sent a copy of that letter to Mr. Forbes, and the original has been submitted separately.

HAROLD STUART—19-7-11.

Will Honourable Members kindly pass this case on quickly? I circulated the main file on 14th July and it returned to me only this afternoon.

HAROLD STUART—19-7-11.

Very interesting papers. The case is gaining strength and Mr. Gillman seems working it keenly.

M. H[AMMICK]—19-7-11.

Tinnevelly is a heavy sessions district. Mr. Sundara Sastri should be relieved of his ordinary sessions work as Public Prosecutor for which another should be appointed.

J. N. A[TKINSON]—20-7-11.

Mr. Sundara Sastri should be able to devote full time to the abetment and conspiracy cases.

2. Gnanamuttu should give a satisfactory explanation for his delay in coming forward.

I agree.
J. N. A[TKINSON]—20-7-11.

3. I doubt the wisdom of putting up Sankarakrishna's father as a witness. The defence would elicit points in favour of Sankara.

This point had better be put to Mr. Gillman.
J. N. A[TKINSON]—20-7-11.

The evidence would be much the same as that against Sankarakrishna Aiyar *plus* the evidence of the fabrication of the *alibi*.

HAROLD STUART.

4. If the evidence of Sankarakrishna's connection before the murder with Vanchi be complete, it would be inexpedient to let in the general evidence of conspiracy in his case. For Arunachalam such evidence would be necessary. He should not then be tried together with Sankarakrishna.

5. Comparison of handwriting with undoubtedly genuine letters of Madaswami and the evidence of men who know Madaswami's writing well that the threatening letters are in his hand ought to suffice. The expert will make a mess of the whole thing and should be avoided. There is no handwriting expert in Tamil who can stand five minutes' cross-examination.

J. N. A[TKINSON]—20-7-11.

I received at 10-30 after I had gone to bed last night.

V. K[RISHNASWAMI AIYAR]—20-7-11.

Received 10 A.M., despatched 11-30 A.M.
J. N. A[TKINSON]—20-7-11.

Mr. Krishnaswami Aiyar's suggestions as to the tactics to be followed in the prosecutions are valuable and should be communicated to Mr. Gillman.

J. N. A[TKINSON]—20-7-11.

I agree.

A. L[AWLEY]—20-7-11.

Honourable Member—

I have issued the demi-official below and resubmit the file to the Honourable Member for perusal of the notes recorded subsequent to his.

HAROLD STUART—20-7-11.

I approve the demi-official, but we must be careful not to interfere much with the local people. They with all the papers and people in front of them are far better able to deal with the matter than we are at this distance.

M. H[AMMICK]—21-7-11.

Demi-official—from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
To—H. F. W. GILLMAN, Esq., I.C.S., Collector of Tinnevelly.
Dated—Ootacamund, the 20th July 1911.

"The Government have read with much interest your letter of the 18th July, and "congratulate you on the evidence you have discovered of the falsity of the *alibi* of "Chavadi Arunachalam Pillai. You are no doubt considering the advisability of "putting him up along with Sankarakrishna Aiyar. The Government are disposed to "think that that course would not be advisable if it entails letting in general evidence "of conspiracy. Apparently there was a third man present, also: can this have been "Madaswami Pillai? Why was Gnanamuttu so long in coming forward with his "evidence? He, surely, must have known that it would be valuable. He will proba- "bly be cross-examined on that point.

"The Government also doubt the wisdom of putting up Sankarakrishna Aiyar's "father as a witness since the defence would be likely to elicit points in favour of "the accused.

"You will no doubt consider all these points in consultation with Richmond and "Sundara Sastri.

"As regards the last-mentioned, I am to inquire whether it would not be desirable "to relieve him of his ordinary sessions work as Public Prosecutor, so as to enable him "to devote his whole time to the murder and conspiracy cases. If you are of this "opinion, you might send me a wire nominating somebody else to do the ordinary "work of the Public Prosecutor."

Demi-official—from P. B. THOMAS, Esq., Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—Tinnevelly, the 17th July 1911.

"The Travancore officials are worse than ever. One of my Inspectors, who has "been working over there with George, reported to me personally to-day—

"(1) That the District Magistrate, Mahadeva Aiyar, deliberately intimidated a "witness in Punalur who was taken before him prepared to make a full statement of the "meeting of the accused at Punalur. He browbeat this man who fainted, and subse- "quently would say nothing. This sounds rather melodramatic but is true.

"(2) The Sub-Magistrate of Shencottah is connected with some of the accused "and attended some of their meetings in Shencottah. He is obstructing inquiry as "much as possible.

"(3) A Tahsildar of Travancore, on leave in Shencottah, is doing all he can "to obstruct inquiry.

"(4) There are several men in Punalur who would testify to the doings of the "accused there if they were not afraid of the Travancore officials' resentment. I "questioned some of the Punalur men myself in company with George, and there is "no doubt about this.

"*P.S.*—The Diwan seems to have gone to Madras on a month's leave!"

Demi-official—from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
To—A. T. FORBES, Esq., I.C.S., Resident in Travancore and Cochin.
Dated—Ootacamund, the 19th July 1911.
No.—3817-1, Judicial.

"I enclose copy of another letter from Thomas on the subject of the obstruction "offered to the Tinnevelly murder by Travancore officials, and I am desired to ask "you to make the very strongest representations to the Darbar unless you may find "reason to think that the statements contained in Thomas's letter are unfounded."

Honourable Member—
H.E. the Governor—

This is a fairly definite indictment, but it must not be forgotten that, so far as Mr. Thomas is concerned, it rests on the statements made to him by his Inspector. He has not verified them in any way apparently, and indeed would have found it difficult to do so. As the matter seemed urgent, I have ventured to send a copy of Mr. Thomas's letter to the Resident in Travancore and Cochin with the above demi-official. Mr. Thomas may be told that this has been done.

HAROLD STUART—19-7-11.

Yes. I approve.
M. H[AMMICK]—19-7-11.

It is, I am afraid, extremely probable that the authorities in Travancore desire to hush up as much as possible of this case. It is curious Rajagopala Chari should find it convenient to take leave just now!

M. H[AMMICK]—19-7-11.
A. L[AWLEY]—20-7-11.

Issue the demi-official below.

HAROLD STUART—20-7-11.

Demi-official—from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
To—P. B. THOMAS, Esq., Deputy Inspector-General of Police for Criminal Intelligence and Railways.
Dated—Ootacamund, the 20th July 1911.
No.—3817-2, Judicial.

"I have forwarded to Forbes a copy of your letter of the 17th July in which "you give definite instances of obstruction by the Travancore authorities. Forbes "has been told to make the very strongest representations to the Darbar on the sub- "ject. He had already made representations to the Diwan and was to have seen the "Maharaja on the 17th regarding this subject.

"With reference to your desire to have the evidence of the handwriting expert, "Hardless, I am desired to tell you that, in the opinion of Government, this is not "desirable. The best way of establishing the fact that the handwriting of the threat- "ening letters is that of Madaswami is by evidence of men who know his writing "well and by putting in undoubtedly genuine specimens of his writing for comparison "by the Court. Hardless does not know Tamil, and there is no Tamil handwriting "expert who can stand five minutes' cross-examination."

Demi-official—from MUHAMMAD AZIZ-UD-DIN SAHIB, Khan Bahadur, Collector of South Arcot.
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—Cuddalore, the 18th July 1911.

"I send herewith the statement voluntarily made before me this morning by Mr. "Chakravarti Aiyangar, a first-grade pleader, regarding Nilakanta Aiyar who seems "to be the person arrested in Calcutta in connection with the murder of Mr. Ashe. "The statement shows that Nilakanta Aiyar was connected with the seditionists "at Pondicherry, that he was a seditionist himself and that he was in the habit of "visiting Tinnevelly and preaching there.

"People who come forward to volunteer information against the seditionists "deserve to be encouraged. I have therefore recorded and submitted the statement "to you. A word of appreciation from Government in favour of Mr. Chakravarti "Aiyangar is desirable as it may induce others to follow his example."

ENCLOSURE.

Statement of Mr. P. S. Chakravarti Aiyangar, First-grade Pleader, Cuddalore, dated 18th July 1911.

Last year early between January and May and at Easter I had to pass through Pondicherry. Having had no accommodation previously got ready for me, I had to stay at Kalvay's Gardens for the night. The bungalow proper was full of visitors. The manager therefore arranged for my stay in one of the out-houses in the gardens. A young man introduced himself to me and claimed acquaintance with me. It was evening time. He said he knew me as First Assistant in the Hindu High School, Shiyali, and that he belonged to Erukkur, a village near Shiyali. He gave out his name as Nilakantan. To my questions he informed me that he was the Editor of *Suryodaya*, a vernacular paper published in Pondicherry, and that he was one of the few who went about preaching on the freedom of India. I felt and expressed my surprise to him and spoke to him "the dangers arising from playing with fire". He told me that he and his band were the chosen friends of India and that we the moderates its enemies. He referred to the speech made by the Hon'ble Mr. Krishnaswami Aiyar and my support of it at Cuddalore on the eve of the last Madras Congress and styled us as beggars and cowards petitioning the Government. He further said that salvation could come only through force. When I told him that he will ruin the land by his preachings and that I despised his doctrines, he told me that the day was quite near when we moderates will be called to account, and that we must be prepared to answer our lives with our blood, when the extremists will come in triumphantly.

He further more declared, striking the ground with his clenched fist, that India will and shall be free within ten years. I expressed my horror at this conversation. He flung before me copy of a book called "The War of Indian Independence" (it had a red cover) and said "Look there and find what India did in 1857" To this I replied that it was a proscribed book with much poison in it for the mind. He told me that it was the Gospel of India's freedom. I peremptorily told him to stop and to leave me alone. I left the place and went to sleep on the pial of the hotel premises in the same gardens. Next evening, on my return from Vanier where I had gone on business in the Sub-Magistrate's Court, I went to the Pier at Pondicherry with a view to avoid coming in contact with Nilakantan at Kalvay's Gardens. It was between 4 and 5 then. Nilakantan (Nilakanta Aiyar) turned up accompanied by two others who were subsequently found to be Subramania Bharati and Srinivasa Chari.

Nilakantan made a mock courtesy to me and ridiculed me as a Cuddalore moderate, and referred to the previous night's conversation. Subramania Bharati talked in an anarchist's strain and wound up the talk by declaring that India will and shall be free within ten years. I said I had nothing to do with them and left the place.

In October last or thereabouts when I was going through Pondicherry to Merkanam, I had to stop at Anandaranga Pillai's house at Pondicherry and thereby to avoid my stay at Kalvay's Gardens. I had to stop on three nights at Anandaranga Pillai's house. This was on three separate occasions. On a morning I happened to question an acquaintance of mine who lived on the Kalvay's Gardens, if "the devil" was there. He asked me whether I referred to "Emakanta Aiyar". I asked him whom he referred to by that epithet. He said that it was no other than Nilakantan, the Editor of *Suryodaya*, and that he had left Kalvay's Gardens saying that he was going to Tinnevelly. I do not remember the name of my acquaintance with whom I had the conversation. He was an Aiyangar. I can identify him and can also find out his name. On one of the three occasions as I was returning from Merkanam (this was subsequent to the date of the above conversation), I went into a coffee hotel and was scarcely coming out of it when Nilakanta Aiyar was seen by me passing by the hotel. He made *namaskaram* to me. Without returning it I asked him where he had been to the previous few days. He told me that he had been to Tinnevelly and had just returned after having finished his preaching there. I then got into my carriage and started away feeling that I should be rid of his company.

I have given a written statement in substance almost the same like this to the Railway Inspector at Villupuram last Saturday evening.

18*th July* 1911. P. S. CHAKRAVARTI.

Taken down by me, and acknowledged to be correct.

M. AZIZ-UD-DIN,
District Magistrate.

18*th July* 1911.

Honourable Member—

If Chakravarti Aiyangar is willing to give evidence in Court, his account of what Nilakantan said to him might be useful. I forget the date of Nilakantan's alleged "conversion", but if it was prior to October 1910, this evidence would show that it was not genuine.

2. Mr. Aziz-ud-din may be told that the Government appreciate the public spirit which induced Mr. Chakravarti Aiyangar to volunteer this information. He has given it also to a Railway Inspector of Police who has no doubt communicated it to Mr. Thomas, but a copy of his statement to Mr. Aziz-ud-din may also be sent to Mr. Thomas with a suggestion that it might be useful as showing Nilakantan's views as late as October 1910.

HAROLD STUART—20-7-11.

Yes. I agree. Please do this.

M. H[AMMICK]—21-7-11.

Judicial Superintendent—

Please have this done at once.

S.H.S.—22-7-11.

Done.

T.V.T.

Copies should be taken of the two demi-officials I have written and the originals should be despatched.

HAROLD STUART—22-7-11.

Demi-official—from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
To—P. B. THOMAS, Esq., Deputy Inspector-General of Police for Criminal Intelligence and Railways.
Dated—Ootacamund, the 22nd July 1911.

"I am desired to send you the accompanying copy of the statement which "Chakravarti Aiyangar made to Mr. Aziz-ud-din, District Magistrate of South Arcot. "It is rather fuller than the statement he gave to the Railway Police Inspector. "This statement will be useful as showing Nilakantan's views as late as October "1910."

Demi-official—from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
To—MUHAMMAD AZIZ-UD-DIN SAHIB, Khan Bahadur, Collector of South Arcot.
Dated—Ootacamund, the 22nd July 1911.

"In reply to your demi-official of the 18th July, I am desired to say that the "Government appreciate the public spirit which induced Mr. Chakravarti Aiyangar to "volunteer his very useful information about the views expressed by Nilakantan. I "have sent Mr. P. B. Thomas a copy of the statement."

Demi-official—from A. T. FORBES, Esq., I.C.S., Resident in Travancore and Cochin.
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—Trivandrum, the 19th July 1911.

"I called on His Highness the Maharaja on the 17th and told him of my inter-"view with the Diwan on the subject of the Darbar officers not rendering real help to "George. He again said that it was his wish that all possible help should be given "and he had told the Diwan so. I told him that knowing his wishes I had written to "George and asked him to say what he wanted done and he approved. He further "said that George should have let the Diwan know and especially as he had seen "him on his way from Tinnevelly.

"His Highness then said he had heard that doubts had been expressed as to the "identity of the assassin with Vanchi Aiyar. I did not at the time attach much "significance to this and replied that there could be no doubt whatever since both the "father and the brother had identified the body.

"Next day, however, the Acting Diwan repeated the same remark to me and "described the father as 'purblind' and the brother as 'a young boy of 12 or so'. "This seems to indicate one line in the defence that will be set up and I think "Thomas should be informed for the next step will be to tamper with these two "witnesses to say that they were *not certain* that the body was that of Vanchi Aiyar, "but that it only *appeared* so to them. I have written this to George and put him on "his guard, and I think therefore it would be a sound precaution to have people "ready to identify the photograph in case any such attempt is made.

"I have heard this morning from George that the Acting Diwan Peishcar had "been with him at Shencottah and 'his arrival had been productive of obvious activity' "and he only wished he could have come up before."

Demi-official—from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
To—P. B. THOMAS, Esq., Deputy Inspector-General of Police for Criminal Intelligence and Railways.
Dated—Ootacamund, the 22nd July 1911.

"I am desired to send you copy of a demi-official just received from Forbes. "Please show it to Gillman. You will see what he says as to the possibility of "the defence taking the line that the murderer was not Vanchi Aiyar, and you will "no doubt take steps to meet evidence tending to support it."

Demi-official—from A. T. FORBES, Esq., I.C.S., Resident in Travancore and Cochin.
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—Trivandrum, the 17th July 1911.

"In continuation of my demi-official letter of the 14th instant, I enclose copy of "a demi-official letter received from the Acting Diwan which will show you what is "being done.

"It takes nearly as long for a letter to come from Punalur as it does from "Ootacamund, and I have not yet heard from George in reply to my letters referred "to in my demi-official to you of the 14th.

"The reference in the Acting Diwan's letter to instructions contained in my "note is to a suggestion made that the Conservator should promise his subordinates "immunity from punishment if they have been absent without leave or have com-"mitted other breaches of discipline. It is quite possible that a lot of these low-"paid subordinates are afraid to say what they know because their knowledge would "betray the fact that they were not at their posts when they should have been."

ENCLOSURE.

Demi-official—from the Acting Diwan of Travancore.
To—the Resident in Travancore and Cochin.
Dated—the 15th July 1911.

With reference to your demi-officials of the 13th instant and of this day in the Ashe murder case and our conversation of yesterday, I beg to inform you that I telegraphed to the Acting District Magistrate, Quilon, yesterday, to "proceed at once to Punalur or Shencottah where Mr. "George was staying, stay there for a few days or longer if necessary, render Mr. George every "personal help and actively co-operate with him in the investigation of the Ashe murder case." I am writing to him in detail on the lines of your demi-official of the 13th instant. I sent for both Mr. Rama Rao and the Excise Commissioner yesterday and gave them oral instructions. I am also writing to them to-day. The Acting District Magistrate must have already proceeded to Punalur or Shencottah. Mr. Rama Rao left this yesterday to meet Mr. George. Mr. Raman Pillai, Excise Commissioner, told me that he would be leaving this for that purpose to-day. Both the above officers have been asked to stay for a few days at Shencottah or Punalur where Mr. George is and render him all help and *actively* co-operate with him. I am giving further instructions to Messrs. Rajaram Rao and Rama Rao in pursuance of your note of to-day. I send herewith for your perusal and return a further report just received from the Acting District Magistrate, Quilon, about the handing over of the records to the Tinnevelly District Magistrate.

Demi-official—from A. T. FORBES, Esq., I.C.S., Resident in Travancore and Cochin.
To—the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—Trivandrum, the 20th July 1911.

"George came into Trivandrum yesterday to see me and I have received this "morning his reply to my letters of the 14th. Combining his oral and written informa- "tion I find that what he complains of is that, though there was nothing very definite "against any one in the matter of obstruction, still no one working on the spot as he "had been doing could be insensible to the feeling that some counterinfluence was at "work. To use his own expression, he was 'fed up'— having to do everything "himself.

"Two persons he singled out as undesirable people to have at Shencottah "and asked me to get them removed. One is a Tahsildar named Sankaranarayana "Aiyar, on leave, who is related to the man Dharmaraja Aiyar who took poison. The "latter knows a good deal and the police are watching him: George thinks that "Sankaranarayana Aiyar has advised him to keep his mouth shut. The other is the "Sub-Magistrate and Munsif of Shencottah. I have got the Acting Diwan to cancel "the remainder of Sankaranarayana Aiyar's leave and he has been ordered by wire "to rejoin duty.

"As regards the Sub-Magistrate, I had a talk with the Diwan this morning and "explained that he had had information about the distribution of seditious pamphlets "and other matters which he had not disclosed to George and it was necessary to "replace him by another man—preferably a non-Brahman. As the Sub-Magistrate is "also a Munsif, the concurrence of the High Court is necessary, but I do not anticipate "any difficulty in that quarter. The order of transfer will, however, have to be "approved by His Highness before it can issue.

"As regards not taking any immediate notice of the conduct of the Alleppy "Inspector (*vide* Thomas's complaint) George writes that though his explanation was "'very thin' he thinks 'the Diwan was probably right in suggesting a delay in going "'for him till this business was over.' He adds 'there is no harm in suggesting to "'the Darbar that the Inspector's conduct would seem to require consideration'—by "which I presume he means serious notice. I have accordingly asked the Acting "Diwan to let him know that the Darbar views with grave dissatisfaction his conduct "in not seizing the whole of the correspondence found as he was directed to do. "George tells me that the Criminal Investigation Department Inspector who has been "working at Alleppy reported to him that this Inspector is spoken of as an honest "man but has a weakness for wanting to stand well with everybody. But whether "he is a knave or merely a fool, a reprimand from the Darbar at this stage will have "a good effect all round and cannot possibly do any harm.

"George does not share Gillman's view of Rajagopala Chari."

From the District Magistrate, Tinnevelly, Ref. on C. No. 1124-*Magl.*, *dated* 21*st July* 1911.

Under Secretary—

The above letter together with two demi-officials from the Resident in Travancore and Cochin is submitted for perusal

T.V.T.—24-7-11.

Chief Secretary—

The points upon which the orders of Government are required are—

(1) Whether Sankarakrishna Aiyar should be added to the list of persons accused under section 121-A. He is at present charged only under 302 and 114, Indian Penal Code.

(2) Whether, as Mr. Richmond thinks necessary, a fresh order under section 196, Criminal Procedure Code, should be issued, specifying every person who is to be included in the charge under section 121-A. The order issued by Government under

section 196 is submitted. The Advocate-General was consulted and he advised that it was not necessary to specify each individual accused. Mr. Richmond's argument does not seem to be at all convincing. The recent Calcutta case to which he refers (see pages 487—493 in the July part of I.L.R., XXVII Calcutta) enunciates the principle that the section under which a complaint is authorized must in each case be specified by the Government. This, I submit, is quite different from saying that every individual accused must be specified. The Local Government has merely to satisfy itself that a certain offence appears to have been committed by a person or persons, but it is, I submit, no part of the business of Government to ascertain precisely the actual persons implicated before sanctioning prosecution. That is for the Courts to determine after the prosecution has been set on foot.

There can, however, be no harm in following Mr. Richmond's advice, and it is perhaps as well to err on the side of excessive caution. If his advice is adopted, a fresh order must be issued under section 196, Criminal Procedure Code, and also another order applying Part I of Act XIV of 1908.

S. H. SLATER—25-7-11.

Honourable Member—

The Government may agree to the tender of pardon to Arumugam Pillai.

Yes.
M. H[AMMICK]—26-7-11.

2. I think that the prosecution are also well advised in including Sankarakrishna Aiyar among the accused in the conspiracy case. He will only be tried in that case if he is acquitted in the murder case.

Yes.
M. H[AMMICK]—26-7-11.

3. Mr. Thomas is much to blame for not himself making the complaint under section 121-A. It will now be necessary for a fresh complaint to be lodged by Mr. Thomas and for a fresh order under Act XIV of 1908 to be issued by Government, as the existing order referred by number to the case of which cognizance was irregularly taken by Mr. Tampoe on the complaint of the Deputy Superintendent of Police.

Yes.
M. H[AMMICK]—26-7-11.

4. No fresh order under section 196 of the Code of Criminal Procedure is necessary. We have got a very clear and definite opinion from the Advocate-General and the order was based on that opinion. Mr. Richmond's criticisms of it are wholly unconvincing, and in my opinion it is quite unnecessary to go beyond the opinion of the Advocate-General and issue a fresh order as suggested by Mr. Richmond.

HAROLD STUART—25-7-11.

I agree with the Chief Secretary. It does not seem to me to be necessary to specify the persons. But is there any objection to doing so? If it is only a matter of copying out a fresh order and signing it, I would do so, I think. It will do no harm and one never knows what views a Judge wont take. If there is the smallest shred of shadow of a chance of error, we should avoid it.

M. H[AMMICK]—26-7-11.

Under Secretary—

Please draft on the Honourable Member's note.

HAROLD STUART—26-7-11.

Chief Secretary—

I submit a draft demi-official to Mr. Gillman, and drafts (1) of an order under section 196, Criminal Procedure Code, as in the draft submitted by the District Magistrate and (2) of orders applying Part I of Act XIV of 1908 to the new Preliminary Register Cases 3 and 4 of 1911. These latter orders will not issue until the District Magistrate has intimated that the Sub-Divisional Magistrate has actually taken cognizance of those cases (*vide* end of paragraph 7 of his letter No. 1124/Magl., dated 21st July 1911).

S.H.S.—26-7-11.

Issue the demi-official and the order under section 196.

HAROLD STUART—26-7-11.

Demi-official—from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
To—H. F. W. GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
Dated—Ootacamund, the 27th July 1911.
No.—3877-1, Judicial.

"Your official letter, R.O.C. No. 1124/Magl. of 1911, dated 21st July 1911. "The Government agree to the tender of pardon to K. V. Arumugam Pillai and also "approve of the inclusion of Sankarakrishna Aiyar among the accused in the conspiracy "case.

"As regards the criticisms of the form of the order under section 196, Criminal "Procedure Code, I am desired to tell you that the order was framed on the advice "of the Advocate-General who was in Ootacamund at the time, and the Government "have no doubt that it is quite correct and that it is not necessary to specify in the "order every person against whom complaint may be made. It is sufficient to give "as much information as may be needed to identify the matter in respect of which the "complaint is to be made. The cases quoted by Richmond are clearly irrelevant to "the point in support of which they are mentioned. However, as it is necessary to "file a fresh complaint, thanks to Thomas's carelessness, the Government are issuing a "fresh order under section 196 of the Criminal Procedure Code specifying all the "persons mentioned in the draft which you forwarded with your letter. Please see "that Thomas presents this complaint in person.

"As soon as you intimate that Tampoe has taken cognizance of Preliminary "Registrar Cases Nos. 3 and 4 of 1911, a fresh order will issue applying the pro- "visions of Part I of Act XIV of 1908 to his proceedings.

"In case there is any question of releasing Arumugam Pillai on bail I may draw "your attention to sub-section (3) of section 337 of the Criminal Procedure Code. The "Advocate-General has been asked to advise whether that provision makes it illegal to "release on bail a man who is in custody at the time a pardon was tendered to him.

"I sympathize with you about Arunachalam Pillai. It must have been very "disappointing, but if his *alibi* really is false I hope you will yet prove it."

[G.O., No. 1206, Judicial, dated 27th July 1911.]

No. 1206, JUDICIAL, 27TH JULY 1911.

20

CONFIDENTIAL.

For approval

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following papers :—

I

G.O., Nos. 1112, 1113, Judicial, dated 8th July 1911.

ABSTRACT.—

II

G.O., No. 1127-A, Judicial, dated 11th July 1911.

ABSTRACT.—

Please fill in purport of these G.Os.

III

Telegram—from the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To—the Chief Secretary to Government.
Dated—Tinnevelly Bridge, the 11th July 1911.

Copy posted to you of statement by Nilakanta Aiyar recorded by Commissioner of Police, Calcutta, admitting existence of a conspiracy and showing that murder was directly instigated by V. V. S. Aiyar and other Pondicherry Extremists. Nilakanta Aiyar arrived here to-day.

IV

Telegram—from the Resident in Travancore and Cochin.
To—the Chief Secretary to Government.
Dated—Trivandrum, the 12th July 1911.

Of accused mentioned my telegram 9th, Harihariar leaves to-day, others already extradited. All correspondence seized handed over British police.

V

Letter—from H. F. W. GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To—the Chief Secretary to Government.
Dated—Tinnevelly, the 13th July 1911.
No.—R.O.C. 1124/Magl.

I have the honour to inform you that I am this day forwarding to you, under a separate registered and insured packet, a copy of the English translations made by the staff employed by me of the correspondence seized in the searches made in connection with Mr. Ashe's murder.

The correspondence seized in Travancore has not come to hand yet.

Copies of the correspondence and papers in the vernacular and of the translations made here have been sent to the Tamil Translator to Government with a request to correct the translations and to send the papers on to the Superintendent, Government Press, for being printed in diglott.

VI

Official Memorandum No. 3754-1, Judicial, da[illegible] July 1911.

With reference to his letter, R.O.C. No. 1124/Magl., date[illegible] 13th instant, the District Magistrate, Tinnevelly, is informed that the packet of papers referred to therein has been received.

(By order.)

S. H. SLATER,
Under Secretary to Government.

[illegible] Ashe

Abstract.— Directing that the [illegible] 1908 shall a[illegible] to Preliminary Re[gi]ster Case [illegible] on the file of the Sub-Divisional Magistrate, Tin[ne]velly, con[ne]cted with the murder of Mr R. W. D'E. Ashe

VII

Letter—from H. F. W. GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To—the Chief Secretary to Government.
Dated—Tinnevelly, the 18th July 1911.
No.—R.O.C. 1124-Magl.

With my letter I forwarded to you copies of papers Nos. 1—204 seized on searches made in connection with Mr. Ashe's murder. The receipt of these copies has been acknowledged in the Government Memorandum dated 16th July 1911.

I have the honour now to forward, in a separate registered packet, copies of papers from Nos. 205—213 inclusive, as also copies of the following diaries :—

Azhagappa Pillai	No. 79
Madasami Pillai	„ 113
Arumugam Pillai	„ 127
Arunachalam Pillai	„ 220

There is more correspondence still to be translated. Copies of the translations will be sent to you in due course and may be added to the file.

VIII

Official Memorandum No. 3834-1, Judicial, dated 21st July 1911.

With reference to his letter, Ref. No. 1124-Magl., dated the 18th instant, the District Magistrate, Tinnevelly, is informed that the packet of papers referred to therein has been received.

(By order.)

S. H. SLATER,
Under Secretary to Government.

To the District Magistrate, Tinnevelly.

IX

Letter—from H. F. W. GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To—the Chief Secretary to Government.
Dated—Tinnevelly, the 21st July 1911.
No.—R.O.C. 1124-Magl.

I have the honour to state that the Hon'ble Mr. T. Richmond, Barrister-at-Law, who has been appointed by Government to be a Public Prosecutor for the prosecution in Preliminary Register Cases Nos. 1 and 2 on the file of the Sub-Divisional Magistrate, Tinnevelly, and in the subsequent trials, arrived here on the 15th instant.

2. On the 16th instant, I held a consultation with Mr. Richmond, Mr. Sundara Sastri, Public Prosecutor, Tinnevelly, whom I have retained to assist in the cases, and the investigating Police officers. The principal features of the cases were explained to both the lawyers, and they were furnished with all the evidence, oral and documentary, that has been secured up to date. The perusal and the analysis of this evidence occupied them for two days; and on the afternoon of the 18th, a second consultation was held at which certain conclusions were arrived at. These conclusions have, at my request, been embodied by Mr. Richmond in his opinion which is herewith submitted; and in regard to them the orders of Government are now necessary. With Mr. Richmond Mr. Sundara Sastri entirely agrees.

3. *Prosecution under section* 121-*A*, *Indian Penal Code.*—For the reasons given in the opinion, it seems necessary that Government should authorize the prosecution of Sankarakrishna Aiyar under section 121-A, Indian Penal Code; also there is as strong a case against the accused Dharmaraja Aiyar and Vande Mataram Subramania Aiyar as against any of the Punalur accused. Athorization for their prosecution under the same section may also be accorded.

4. It is open to Government to issue an authorization under section 196 of the Criminal Procedure Code in respect of the three added names. In view, however, of the comments of Mr. Richmond in regard to the terms of the former authorization, G.O., No. 1112, dated 8th July 1911, it seems desirable that a fresh authorization including all the accused should issue now. A draft of the authorization that may issue is submitted for approval.

5. There is, at present, no evidence to go before a Court against T. Somasundaram, Pichumani Aiyar, Sivaramakrishna Aiyar and Shanmugam Pillai. It is, however, neither necessary nor advisable to omit their names from the authorization. If, at the

time the authorization is received, no further evidence against them has been obtained, their names will be omitted from the complaint to be presented by the Deputy Inspector-General. I do not anticipate that further evidence will be secured against T. Somasundaram and Sivaramakrishna Aiyar, and these men are now being released on bail. In regard to Pichumani Aiyar, however, it is probable that further evidence will be secured. Shanmugam Pillai is absconding and has not been arrested.

6. *Approver.*—As Messrs. Richmond and Sundara Sastri are agreed that K. V. Arumugam Pillai should be taken as an approver, and as I have been authorized by Government to act upon their advice in this respect, I am tendering him a pardon on the usual conditions. The advice of the lawyers in respect of an approver who will speak the doings at Punalur is receiving attention. When the decision has been arrived at, the orders of Government will be obtained.

7. *Application of Act XIV of* 1908.—It will be seen that the advice received is to obtain from Government a new order under section 2 (1) of the Act after deciding, once of all, the persons to be proceeded against and the file numbers given to the cases by the Magistrate who takes cognizance. Mr. Tampoe has already taken cognizance of the two cases as Preliminary Register Cases Nos 1 and 2 on his file. Mr. Richmond has, however, some doubts as to Mr. Tampoe's jurisdiction as my order directing Mr. Tampoe to inquire into the cases was issued before the two charge sheets were presented to him, and as the charge sheets themselves were not specifically transferred to him. As it is most advisable that there should be no legal flaws whatever in the procedure, upon which arguments might be based before the Special Tribunal to quash the proceedings, I have now, upon advice, specially transferred the charge sheets to Mr. Tampoe for disposal. He will give them fresh numbers and take fresh cognizance of the murder case at once and of the conspiracy case after the fresh authorization under section 196 of the Criminal Procedure Code for the charge under section 121-A, Indian Penal Code, has been received. The preliminary enquiry into Preliminary Register Cases Nos. 1 and 2 has not yet been commenced, and similar enquiry into the new cases which will be given new file numbers, Preliminary Register Cases Nos. 3 and 4, will not be commenced for some little time as fresh evidence is being obtained daily, and we are not in a position to say when the cases will be completed. I shall give Government ample notice of the commencement of these preliminary proceedings, and Government may then issue the necessary order applying Act XIV of 1908.

8. Messrs. Richmond and Sundara Sastri approve of the sections of the Penal Code under which the accused are proposed to be charged. The charges that may be framed by the committing Magistrate will receive the consideration of the Special Tribunal at the commencement of the trial, and should any mistake have been made by the Magistrate, it will be rectified then.

9. The other points referred to in the opinion—handwriting and corroborative evidence—had previously occurred to the investigating officers and continue to receive most careful attention.

ENCLOSURES.

(1)

Tinnevelly Cases.

I have read the evidence collected so far, both oral and documentary, and I have had the advantage of long discussions with the District Magistrate and the Deputy Inspector-General of Police for Crime and the principal officers engaged in the investigation of the case, and at the request of the District Magistrate I am putting down on paper my opinion on the several points raised during the discussion.

Case against Sankarakrishna Aiyar.—This accused is now charged by the police with the abetment of Mr. Ashe's murder under sections 114 and 302, Indian Penal Code. There is no complaint against him of an offence under section 121-A of the Penal Code, as Government has not authorized his prosecution under section 196 of the Criminal Procedure Code. According to the evidence collected, the accused is one of the principal ringleaders in the conspiracy, and the evidence against him is strong in regard to the conspiracy. The success of the prosecution on the present charge of the offence under sections 114 and 302, Indian Penal Code, will, however, entirely depend upon the evidence of identification. The witnesses who identify him at the Maniyachi station are all people to whom the accused was not previously known. It is difficult to hazard an opinion whether this evidence would prove satisfactory, but the danger is that the accused will escape justice if this part of the case fails, as he cannot be tried under section 121-A along with the remaining conspirators for want of the Government authority and complaint under section 196, Criminal Procedure Code. I would therefore strongly recommend obtaining an order from Government authorizing the accused's prosecution under section 121-A, in addition to his

23

being prosecuted on charges under sections 114 and 302. The murder and the conspiracy cases will I think, have to be tried separately. It will be easy to withdraw the charge under section 121-A in case he is convicted under sections 302 and 114. But to prosecute him apart by himself under section 121-A, after his acquittal in the murder case, would mean a second trial with the necessary preliminary proceedings and consequent delay.

Case against T. Somasundaram, Pichumani Aiyar, Sivaramakrishna Aiyar and Shanmugam Pillai.—There is no evidence to go before a Court, and I think it is better to drop the case against these four.

The case against Azhagappa Pillai.—The case against this accused stands slightly on a different footing. There is one witness against him, but the evidence is not very much. Mr. Thomas, however, thinks that more evidence may be forthcoming hereafter. The case is weak.

Dharmaraja Aiyar and Vande Mataram Subramania Aiyar.—The case against these men is scarcely distinguishable from the case against the other Punalur accused already complained against. The suicide attempted by Dharmaraja Aiyar immediately after the search of his house by the Travancore police is an additional piece of evidence against him. I would recommend that both these men be proceeded against under section 121-A.

Government order authorizing prosecution under section 196 of the Criminal Procedure Code.—The accused above, however, cannot be proceeded against without a complaint under an express order or authority as required by section 196 of the Criminal Procedure Code. The concluding words of the Government order have been referred to as indicating sufficient authority to include the above men in a fresh complaint. I think the adoption of such a course will give rise to difficulties, and probably to a ruling adverse to the prosecution. I would invite reference to the judgment of the Calcutta High Court in the well-known Manicktolla Bomb Case, reported at page 467 of I.L.R., Cal., Vol. XXXVII (July part 1910). In this case the Government of Bengal sanctioned the prosecution of the accused under certain sections of the Penal Code or "under any other section "of the said Code which may be found applicable to the case." Some accused were sent up for trial on charges under section 121, one of the sections not specially mentioned in the order, and on the preliminary objection that the order of the Bengal Government was not valid authority, the High Court says as follows :—

"Section 196 of the Criminal Procedure Code reserves to the Local Government the power "of determining whether cognizance shall be taken by the Court of any offence punishable under "Chapter VI of the Indian Penal Code except section 127. Seeing that this chapter deals with "offences against the State, the policy of this safeguard is manifest; the maintenance of this "control is of the highest importance; and it is beyond the competence of the Local Government "to delegate to any other body or person this controlling power and the discretion it implies. "The question whether action should be taken under Chapter VI is more than a matter of law; "considerations of policy arise, and these can only be determined by the authorities specially "designated in the section.

"It further appears to me to be the true implication of section 196 that the judgment of "the Local Government should be specifically directed to the particular sections of Chapter VI in "respect of which proceedings are to be taken, and that the order or authority should be preceded "by, and be the result of, a deliberate determination that proceedings should be taken in respect "of a particular section or particular sections of the chapter and no other.

"It would, I think, be opposed to the true intendment of section 196 for the Local "Government by its order to give its legal or other advisers a roving power to determine under "what sections of the chapter proceedings should be taken, and to abandon to them the discretion "and responsibility that properly belong to itself; and I should hesitate to take a view of this "section that might permit the Government to entrust to the zeal of an advocate, or of those by "whom he may be instructed, the determination of the serious questions involved."

There the matter left to another's discretion was the choice of a section and here the discretion delegated is as regards the choice of the persons to be proceeded against. The principle is the same, and it may be argued that the case of delegation in the matter of persons to be accused is far more serious than delegating the choice of sections. There is no Madras case exactly in point, but the principle against the delegation of such authority has been recognized by the Madras High Court in I.L.R., Madras, Vol. 16, page 468, in its construction of section 197 of the Criminal Procedure Code. This was a case where the Board of Revenue delegated to the Collector its power to choose the charges for the prosecution of a Deputy Tahsildar. The Madras High Court held that the Board had no power to delegate its discretion and the principle is in accordance with the Calcutta judgment above referred to. I would suggest obtaining an express order for the prosecution of Sankarakrishna Aiyar, Dharmaraja Aiyar and V. M. Subramania Aiyar, and wherever possible the father's name and village of the accused should be given.

The present complaint.—There is a technical difficulty in the proceedings as initiated. The Government order directed the Deputy Inspector-General of Police to lodge the complaint, but the complaint is actually lodged by a Deputy Superintendent of Police under the Deputy Inspector-General's orders. I think this is open to objection. The Deputy Superintendent of Police has no authority from Government to lodge the complaint, and I think the complaint must be made and sworn to by the officer mentioned in the order. If the sections are strictly construed and if the objection should prevail, the whole prosecution for conspiracy would fail, and I think it is very desirable that no room should be given for preliminary objections. The case, however, may be easily remedied by putting in another complaint. The complaint should answer to the definition of the term complaint in section 4 (*h*) of the Criminal Procedure Code, and it is desirable not

to use Police Report Forms as that may lead to unnecessary objections and discussions. Mr. Thomas may be right in directing the Deputy Superintendent of Police to complain, but in view of the consequence of an adverse ruling to the prosecution, it is desirable to adhere strictly to the Government order.

Approver.—I think it is necessary to take another approver. Approver Somasundaram was present only at the Tuticorin meeting and initiation there of members to the secret society. He was not present at the first meeting at Tenkasi and it will be difficult to get the accused Chidambaram Pillai and Vande Mataram Subramania Aiyar convicted without the evidence of an approver who can speak to the Tenkasi meeting, which is a very important part of the prosecution case. I think K. V. Arumugam Pillai, who has already made a detailed statement, should be taken as an approver. The approver Somasundaram is a low-paid vakil's clerk and I am not quite sure he will not be prevailed upon to resile from his statement when he is examined before the Special Tribunal. It may be desirable, if possible, to take one more approver (not Jagannatha Aiyangar) who would make a clean breast of the whole doings at Punalur. The evidence against Nilakantan, Sankarakrishna Aiyar and the Tenkasi and Tuticorin accused is evidently much stronger than the evidence against the Punalur accused. The Punalur part of the case requires strengthening.

Handwriting.—Evidence should be produced in regard to the handwriting of all the accused and the handwriting of all the documents relied on should be satisfactorily proved.

Corroborative evidence.—The evidence of the approvers should be corroborated wherever possible.

Application of Act XIV of 1908.—After a fresh complaint is lodged and the case is taken cognizance of validly by the Magistrate, an order should be obtained from Government under section 2 (1) of Act XIV of 1908 applying Part I of the Act to the present case. The Act has to be applied after the Magistrate legally takes cognizance of the complaint, and if I am right, there has been no cognizance of the conspiracy case by the Magistrate according to law. In the case of the accused to be newly added the order already passed can have no force as it cannot be said to have been passed after the Magistrate took cognizance of the case against them. I think the best course is to obtain from Government a new order under section 2 (1) of Act XIV of 1908 after deciding once for all the persons to be proceeded against.

20th July 1911. T. RICHMOND.

(2)

I have read the opinion of the Hon'ble Mr. Richmond. I entirely agree. When I was consulted about Arumugam Pillai being examined in the case against Sankarakrishna Aiyar under sections 114 and 302 without a pardon being granted to Arumugam, his evidence or the other evidence in the case was not before me. I now see that Arumugam proves the conspiracy at Tenkasi and Tuticorin as against Sankarakrishna Aiyar and others, so Arumugam has to be tendered a pardon, the charge under section 121-A also added against Sankarakrishna Aiyar, and Arumugam examined.

20th July 1911. A. SUNDARA SASTRI.

(3)

Draft authorization under section 196 *of the Criminal Procedure Code.*

Under the provisions of section 196 of the Code of Criminal Procedure, 1898, the Governor in Council authorises the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of the offence punishable under section 121-A of the Indian Penal Code against—

No.	Name.	Father's name.	Residence.
1.	Nilakanta Aiyar *alias* Bramachari.	Sivaramakrishna Aiyar	Erukkur, Shiyali taluk, Tanjore district.
2.	Madasami Pillai	Subramania Pillai	Ottapidaram.
3.	Shunmugam Pillai	Subramania Pillai	Tuticorin.
4.	T. S. Somasundaram Pillai ...	Swaminatha Pillai	Tinnevelly.
5.	Pichumani Aiyar *alias* Venkatachalam Aiyar.	Krishna Aiyar	Shencottah.
6.	Vembu Aiyar *alias* Mahadeva Aiyar.	Krishna Aiyar	Do.
7.	Jagannatha Aiyangar ...	Ranga Aiyangar	Do.
8.	Harihara Aiyar	Marakadai Subba Aiyar ...	Alleppy.
9.	Bapu Pillai *alias* Ramaswami Pillai.	Mathiyetham Pillai	Punalur.
10.	V. Desika Chari	Varada Aiyangar	Do.
11.	Chavadi Arunachalam Pillai ...	Chavadi Subramania Pillai ...	Shencottah.
12.	Azhagappa Pillai	Veiyenra Muthu Pillai	Do.
13.	Muthukumaraswami Pillai ...	Nallaperumal Pillai	Tuticorin.
14.	Subbiah Pillai	Vaithilingam Pillai	Do.
15.	K. V. Arumugam Pillai ...	Venkatachalam Pillai	Do.
16.	Madathukadai Chidambaram Pillai.	Sankaralingam Pillai	Tenkasi.
17.	Sankarakrishna Aiyar ...	Samu Sastri *alias* Sankaranarayana Aiyar.	Kadayanallur, Krishnapuram.
18.	Dharmaraja Aiyar	Viswanatha Aiyar	Shencottah.
19.	Vande Mataram Subramania Aiyar.	......	Ettaiyapuram.

H. F. W. GILLMAN,
District Magistrate, Tinnevelly.

28

Order—No. 1206, Judicial, dated 27th July 1911.

Under the provisions of section 196 of the Code of Criminal Procedure, 1898, the Governor in Council authorizes the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of the offence punishable under section 121-A of the Indian Penal Code against—

No.	Name.	Father's name.	Residence.
1.	Nilakanta Aiyar *alias* Bramachari.	Sivaramakrishna Aiyar ...	Erukkur, Shiyali taluk, Tanjore district.
2.	Madasami Pillai	Subramania Pillai	Ottapidaram.
3.	Shunmugam Pillai	Subramania Pillai	Tuticorin.
4.	T. S. Somasundaram Pillai ...	Swaminatha Pillai	Tinnevelly.
5.	Pichumani Aiyar *alias* Venkatachalam Aiyar.	Krishna Aiyar	Shencottah.
6.	Vembu Aiyar *alias* Mahadeva Aiyar.	Krishna Aiyar	Do.
7.	Jagannatha Aiyangar ...	Ranga Aiyangar	Do.
8.	Harihara Aiyar	Marakadai Subba Aiyar ...	Alleppy.
9.	Bapu Pillai *alias* Ramaswami Pillai.	Mathiyetham Pillai	Punalur.
10.	V. Desika-Chari	Varada Aiyangar	Do.
11.	Chavadi Arunachalam Pillai ...	Chavadi Subramania Pillai ...	Shencottah.
12.	Azhagappa Pillai	Veiyenra Muthu Pillai	Do.
13.	Muthukumaraswami Pillai ...	Nallaperumal Pillai	Tuticorin.
14.	Subbiah Pillai	Vaithilingam Pillai	Do.
15.	K. V. Arumugam Pillai ...	Venkatachalam Pillai	Do.
16.	Madathukadai Chidambaram Pillai.	Sankaralingam Pillai	Tenkasi.
17.	Sankarakrishna Aiyar ...	Samu Sastri *alias* Sankaranarayana Aiyar.	Kadayanallur, Krishnapuram.
18.	Dharmaraja Aiyar	Viswanatha Aiyar	Shencottah.
19.	Vande Mataram Subramania Aiyar.	......	Ettaiyapuram.

and all other persons who may have joined them in the said conspiracy.

(True Extract.)

H. A. STUART,
Ag. Chief Secretary.

To the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
,, District Magistrate, Tinnevelly.

CONFIDENTIAL.

G.O., No. 1206, 27th July 1911.

Tinnevelly case.

Authorizing, under section 196, Criminal Procedure Code, the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of an offence punishable under section 121-A, Indian Penal Code, against certain persons concerned in the — .

[G./5]
10,000—25-9-07

.... DEPARTMENT

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READ

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OM

~~ORDER~~ No. 3627-1, dated 19 — 7 — 1908.

V. U

The Hon'ble the Advocate General is requested to advise the Govt. upon the question whether an accomplice to whom a pardon has been tendered under ~~sec.~~ ~~I~~ cl. (1) of sec. 337 CrPC while he is in custody may be released on bail during the progress of the trial.

Clause (3) of sec. 337 says "Such person, if not on bail, shall be detained in custody until the termination of the trial".

The words "if not on bail" ~~would~~ appear to relate to the time at which the pardon was ~~accepted~~ tendered

It is not clear whether

[C. / 1]

1,000—13-6-11.

27

FROM CIRCULATION.

25-8-1911.

CHIEF SECRETARY
25 AUG 1911
GOVERNMENT OF MADRAS

C.S.

D.S. CWE 25/8

U.S.

27-A

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If the former view is correct, the Magistrate would appear to have no option but to detain in custody an accomplice to whom a pardon has been tendered, unless he is on bail at the time of the tender.

That this is the correct interpretation of the clause appears to be supported by the consideration that, if release on bail is permissible, the ordinary provisions governing the grant of bail are applicable to the case of such an accused person.

or whether they mean that the Magte. can release the approver on bail if he chooses to do so after he has accepted the pardon tendered to him.

If the words mean that the question arises whether to

The Adv Genl is requested to treat this reference as very urgent.

[signature]

19.7.11

Despd. 19.7.11

The Govt Solicitor

[9/6]
2,000—28-12-08.

Tinnevelly case.
Authorizing under sec. 196, Cr.P.C. the D.I.G., C.I.D., to make a complaint in respect of an offence punishable under sec. 121-A, I.P.C. against certain persons concerned in the -----.

JUDICIAL DEPARTMENT.

M

28

READ

25

ORDER No. 1206, dated 27-7. 1911.

P.S.

Under the provisions of section 196 of the Code of Criminal Procedure, 1898, the Governor in Council authorizes the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of the offence punishable under section 121-A of the Indian Penal Code against:-

Issue [illegible]

No.	Name.	Father's name.	Residence.
1.	Nilakanta Aiyar alias Bramachari.	Sivaramakrishna Aiyar.	Erukkur Shiyali Taluk Tanjore Dt.
2.	Madasami Pillai.	Subramania Pillai.	Ottapidaram.
3.	Shunmugam Pillai.	Subramania Pillai.	Tuticorin.
4.	T.S.Somasundaram Pillai.	Swaminatha Pillai.	Tinnevelly.
5.	Pichumani Aiyar alias Venkatachalam Aiyar.	Krishna Aiyar.	Shencottah.
6.	Vembu Aiyar, alias Mahadeva Aiyar.	Krishna Aiyar.	Shencottah.
7.	Jagannatha Aiyangar.	Ranga Aiyangar	Shencottah.
8.	Harihara Aiyar.	Marakadai Subba Aiyar.	Alleppy.
9.	Bapu Pillai alias Ramaswami Pillai	Mathiyetham Pillai.	Punalur.
10.	V. Desikachari.	Varada Aiyangar.	Punalur.
11.	Chavadi Arunachelam Pillai.	Chavadi Subramania Pillai.	Shencottah.
12.	Azhagappa Pillai.	Veiyenra Muthu Pillai.	Shencottah.
13.	Muthukumarasawmi Pillai.	Nallaperumal Pillai.	Tuticorin.
14.	Subbiah Pillai.	Vaithilingam Pillai.	Tuticorin.
15.	K.V.Arumugam Pillai.	Venkatachalam Pillai.	Tuticorin.
16.	Madathukadai Chidambaram Pillai.	Sankaralingam Pillai.	Tenkasi.
17.	Sankarakrishna Aiyar.	Samu Sastry alias Sankaranarayana Aiyar.	Kadayanallur Krishnapuram
18.	Dharmaraja Aiyar (dead)	Viswanatha Aiyar.	Shencottah.
19.	Vande Mataram Subramania Aiyar.		Ettaiyapuram.

and all other persons who may have joined them in the said conspiracy.

Sm.
2.7

To the Deputy Inspector-General of Police for C.I. & Rys.,
,, the District Magistrate, Tinnevelly.

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CONFIDENTIAL.

3)

Photo of Vanchi's letter.

[Y/7]

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